



Bureau of Justice Statistics

National Criminal History Improvement Program

*Fiscal Year 1999
Program Announcement*

NCHIP



National Criminal History Improvement Program

Fiscal Year 1999 Program Announcement

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U.S. Department of Justice
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Director

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Foreword

Since 1995, the National Criminal History Improvement Program (NCHIP) has helped States join with the Federal Bureau of Investigation (FBI) to build an accurate and useful national system of criminal records. Interstate availability of complete computerized criminal records is increasingly vital for criminal investigations, prosecutorial charging, sentencing decisions, correctional supervision and release, community notification, and background checks for those applying for licenses, handgun purchases, and work involving the safety and well-being of children, the elderly, and the disabled.

Starting in 1998, BJS has also, under its NCHIP program, assisted States to establish sex offender registries which interface with the FBI's National Sex Offender Registry file so that State registry information on sex offenders can be obtained and tracked from one jurisdiction to another. The effective operation of these registries will go far to ensure the safety of the people in the Nation.

Administered by the Bureau of Justice Statistics, NCHIP is an umbrella program to assist States in meeting evolving requirements concerning criminal histories and related records such as protection orders and sex offender registries. The program began with \$100 million appropriated in 1995 under the Brady Handgun Violence Prevention Act. To date, over \$200 million has been made available in direct awards to every State, the District of Columbia, and eligible territories for improving their criminal history record systems. Another \$6 million was transferred to the FBI to help support its work in building the National Instant Criminal Background Check System (NICS). Almost \$25 million was awarded in support of State sex offender registries under the

NSOR-AP program which is a component of NCHIP.

The FY 1999 Program Announcement covers both those activities formerly funded under the basic NCHIP program relating to criminal record improvement and activities previously funded under the NSOR-AP program relating to sex offender registries. A single appropriation of \$45 million was made in FY 1999 to cover both program areas. To simplify State workload, States may submit a single application to cover funding in both activity areas.

The 1998 NCHIP announcement placed particular emphasis on ensuring that State criminal history records are complete and accessible. Since the efficacy of the National Instant Criminal Background Check System (NICS), which became operational to provide instant background checks for potential firearm purchasers in November 1998 under the Brady Act, depends on the extent to which records are instantly available for interstate exchange, participation in the Interstate Identification Index (III) is also a program priority. The program also requires that States focus on efforts that require participation in the FBI's Protection Order File and the FBI's Sex Offender Registry, and that particular attention be given to the important role played by the courts in ensuring that disposition data are available to the record system.



Jan M. Chaiken, Ph.D.
Director, Bureau of Justice Statistics

Summary

The Bureau of Justice Statistics (BJS) is publishing this notice to announce the continuation of the National Criminal History Improvement Program (NCHIP) in Fiscal Year 1999. Copies of this announcement can also be found on the Internet at <http://www.ojp.usdoj.gov/bjs/>.

To the extent that appropriations are made available, the program implements the grant provisions of--

- the Brady Handgun Violence Prevention Act (Brady Act), Pub. L. No. 103159, 107 Stat. 1536 (1993), codified as amended at 18 U.S.C. Sections 921 et seq.;
- the National Child Protection Act of 1993 (NCPA), Pub. L. No. 103209, 107 Stat. 2490 (1993), codified as amended at 42 U.S.C. Sections 3759, 5101 note, 5119, 5119a, 5119b, 5119c;
- those provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), Pub. L. No. 90-351, 82 Stat. 197 (1968), codified as amended at 42 U.S.C. Sections 3711 et seq., as amended; and the Violent Crime Control and Law Enforcement Act of 1994 (Violent Crime Control Act), Pub. L. No. 103-322, 108 Stat. 1796 (1994), codified as amended at 42 U.S.C. Sections 13701 et seq., which pertain to the establishment, maintenance, analysis, or use of criminal history records and criminal record systems;
- relevant requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act,

Megan's Law, and the Pam Lychner Sexual Offender Tracking and Identification Act;

- the Crime Identification Technology Act of 1998, Pub. L. No. 105-251, which pertains to the development of information and identification technologies and systems; and
- related laws pertaining to the identification, collection, analysis and interstate exchange of records relating to domestic violence and stalking (including protection orders) and to the establishment of sexual offender registries and exchange of data between them.

The NCHIP Program to date. The BJS NCHIP program was initiated in 1995 as an umbrella program encompassing evolving efforts to support State activities relating to the establishment of records systems and the collection and use of criminal history and related records. During Fiscal Years 1995, 1996, 1997, and 1998, direct awards under the basic NCHIP program (including awards to "priority" States and awards under the Advanced State Award program (ASAP)) totaled over \$200 million, from the total appropriation of \$225.75 million. In addition, \$6 million was transferred to the FBI for implementation of the National Instant Criminal Background Check System (NICS) and about \$9 million was awarded to provide direct technical assistance to States, to evaluate the program, and to collect statistics and research data on presale firearm programs.

In FY 1998, BJS established the National Sex Offender Registry Assistance Program (NSOR-AP) as a component of NCHIP. The goal of the NSOR-AP program was to assist States in upgrading sex offender registries consistent with

Federal and State standards and providing data to the FBI Sex Offender Registry. The appropriation for this program was \$25 million. All but two States received funds under the NSOR-AP.

To date, all States have received funds under the NCHIP program. To date, approximately \$14 million has been awarded to States for purposes relating to offenses against children, the elderly and the disabled, and for collection of data on stalking and domestic abuse, including protection orders and violations thereof.

The FY 1999 program. A total of \$45 million was appropriated in FY 1999 to cover all NCHIP activities, including activities previously funded separately under NSOR-AP. To minimize State efforts, a single application may be submitted at the State's option (for details, see "Application and award process" section, below).

Program priorities

Commitment to full implementation of the National Instant Criminal Background Check System (NICS)

Consistent with the Brady Act requirement, the FBI's National Instant Criminal Background Check System (NICS) became operational in November 1998. The NICS is a national system which provides instant background checks to determine if a potential firearm purchaser is a convicted felon or otherwise prohibited from purchasing a firearm under Federal or State statute.

The effectiveness of NICS will depend on the extent to which the most accurate and complete records of Federal and State criminal offenses and

records in other prohibiting categories are instantly available in response to inquiries from firearms dealers.

Under the NICS configuration, States are encouraged to serve as a "Point of Contact" (POC) interfacing between firearm dealers and the FBI's national record system. Where the State is a POC, firearm dealers will receive instant access to--

- (1) the most complete and up-to-date State criminal records,
- (2) State-held records of noncriminal factors that prohibit firearm purchase, and
- (3) State personnel who can best interpret records and their modifications.

In support of the NICS, NCHIP funds may be used to cover costs associated with the purchase of equipment, development of software, training, and other listed costs associated with participating in the NICS. States are encouraged to apply NCHIP funds to improve or ameliorate any problem that is delaying instant responses to Federal Firearm Licensee (FFL) inquiries (for details, see "Allowable costs," below).

The Brady Act also allows States to meet their presale firearm check requirements through an Alcohol Tobacco and Firearms (ATF)-approved permit system. To assist States following this procedure, NCHIP funds may be used to cover costs associated with development and implementation of procedures that will meet ATF requirements for a permit system to be approved as an alternative to instant checks at the time of sale.

Commitment to participation in the Interstate Identification Index (III)

Participation by all States in the Interstate Identification Index (III) is critical to ensuring that the most accurate and complete criminal records are available instantly not only for NICS presale firearm checks, but also for background check inquiries regarding persons seeking positions involving national security; persons with responsibility for children, the elderly or the disabled, and other authorized purposes. Instant interstate availability of complete records is also vital to supporting effective law enforcement strategies involving pretrial release, determinate sentencing, and correctional assignment. At present, 39 States participate in III.

The NCHIP FY 1997 and 1998 program announcements emphasized the BJS commitment to full State participation in the FBI's Interstate Identification Index (III). In light of the importance of III participation, BJS has again identified III participation as a priority goal of the NCHIP program and requires States that are not currently III members to identify problems precluding participation and to focus 1999 NCHIP funds on activities that further this goal.

Commitment to support court efforts relating to development of record systems

Recent laws establishing requirements for instant background checks for firearms sales and background checks in connection with positions of responsibility with children, the elderly and the disabled have emphasized the importance of computerized data records being complete with dispositions. Moreover, other statutes have highlighted the importance of immediate statewide and interstate access to protection orders related

to domestic violence. These requirements can only be met if information initially developed by the courts is available on a complete and immediate basis.

BJS is committed to recognizing the importance of the courts in all of these efforts, and applicants should ensure that in developing NCHIP operational and funding plans, adequate attention is directed at the role and needs of the courts.

Program goals

The goal of the NCHIP award program is to improve the Nation's public safety by enhancing the quality, completeness and accessibility of the Nation's criminal history and sex offender record systems and the extent to which such records can be used and analyzed for criminal justice and authorized noncriminal justice purposes. Specifically, NCHIP assists States--

- to establish programs and systems to facilitate full participation in the Interstate Identification Index of the National Crime Information Center (NCIC);
- to implement systems to facilitate full participation in any compact relating to the Interstate Identification Index of the NCIC;
- to develop systems to facilitate full participation in the National Instant Criminal Background Check System (NICS);
- to establish programs to support availability of criminal record data for authorized noncriminal justice purposes including background checks on persons with responsibility for children, the elderly, or the

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- disabled;
 - to ensure that noncriminal history record information systems relevant to firearms eligibility determinations become available and accessible to the NICS;
 - to improve the level of automation, accuracy, completeness, and flagging of adult and juvenile records, including arrest and disposition reporting;
 - to implement and upgrade Automated Fingerprint Identification Systems (AFIS) and to purchase supporting livescan equipment;
 - to support the development of accurate and complete State sex offender identification and registration systems which interface with the FBI's Sex Offender Registry and meet applicable Federal and State requirements;
 - to identify, classify, collect, and maintain records of protection orders, warrants, arrests, and convictions of persons violating protection orders so as to protect victims of stalking and domestic violence;
 - to identify (through interface with the National Incident-Based Reporting System [NIBRS] where necessary) records of crimes involving use of a handgun and/or abuse of children, the elderly, or disabled persons;
 - to participate in systems integration plans which permit interface of systems operated by different criminal justice components;
 - to support court-based criminal justice information systems that promote reporting of dispositions;
 - to establish domestic violence offender identification and information systems;
 - to ensure that States develop the capability to monitor and assess State progress in meeting legislative and programmatic goals; and,
 - to ensure that criminal justice systems are designed, implemented, or upgraded to be Year-2000 compliant, and, where applicable, compatible with NIBRS, NCIC 2000, NICS, IAFIS, and applicable statewide or regional criminal justice information sharing standards and plans.

Appropriation

The 1999 NCHIP appropriation encompasses both criminal history records improvement and funds to assist States in establishing and upgrading sex offender registry systems and in interfacing with the FBI Sex Offender Registry. The appropriation was \$45 million.

Application and award process

Eligibility requirements

Applications may only be submitted by the agency designated by the Governor to administer the project(s). To minimize State paperwork, States may opt (and are encouraged) to submit a single application covering activities formerly funded under both the basic NCHIP (criminal history

record improvement) and NSOR-AP programs. Current records indicate that the same agency has been designated by the Governor to administer both the NCHIP and NSOR-AP programs in 43 States and the District of Columbia.

In States submitting a single application, the application should describe separately the activities under both program areas, consistent with funding requirements described in the "Allowable costs" section below. Where different agencies have been designated, a single application may also be submitted, indicating approval by the authorized official in both agencies. States may also opt to request designation by the Governor of one of the two currently authorized agencies. In such case, the Governor should designate one agency as the lead agency with a transfer of funds, accomplished through an inter-agency agreement after an award is made, to the subordinate agency. Where a State opts to submit separate applications from different designated agencies, the application must include a discussion of intrastate program coordination.

States may also choose to submit applications as part of a multistate consortium or other entity. In such case, the application should include a statement of commitment from each State and be signed by an individual designated by the Governor of each participating State. The application should also indicate specific responsibilities and include a separate budget for each State.

An award will be made to each eligible applicant State with funds from the FY 1999 appropriation.

States may submit an application even though funds remain unexpended under the previous

NCHIP or NSOR Awards. In such a case, the application should describe the efforts undertaken to date under the 1998 NSOR-AP award or the other cumulative NCHIP awards, the specific reasons that funds remain unexpended, and the anticipated time when funds will be expended.

FY 1999 projects may overlap with FY 1998 projects or the projects may run consecutively.

Program narrative

In addition to the requirements set forth in Appendix A, the NCHIP application should include the following four parts. States may, at their option, satisfy requirements noted below by referencing or summarizing previous applications. Additionally, States in which the applicant agency is the same under the BJS NCHIP and Bureau of Justice Assistance (BJA) State Identification Systems (SIS) program may also choose to submit duplicate material to BJS and BJA under Part I (Background) and Part II (Identification of Needs), below.

Part I. Background

This section should include a short update of current efforts relating to criminal history record improvement and sex offender registry development within the States. References should be made to efforts supported under NCHIP, NSOR-AP, and other Federal or State funded programs, including activity relating to State integration. This section should specifically describe the status of State participation in the NICS, the III, and the FBI's Sex Offender Registry and Protection Order File System.

Part II. Identification of needs

This part should discuss any evaluative efforts undertaken to identify the key areas of weakness in the State's criminal record system or sex offender registry since submission of previous NCHIP applications.

States that are not members of III at the time of application must include a section identifying the tasks remaining to permit III participation. This section must specifically state whether funding already available is adequate for the State to participate in III and the planned month and year of participation in III. If funding already available is not adequate, the State is expected to apply for NCHIP funding that will permit the State to participate in III.

States not submitting data to the FBI's Sex Offender Registry or Protection Order File must identify tasks and are expected to allocate resources toward these goals.

Part III. 1999 effort

This section should describe the activities to be undertaken with NCHIP funds over the project period. Specifically, each application should indicate the activities proposed, how these activities relate to efforts funded under the previous awards, and the results that will be achieved from FY 1999 funding. In order to permit assessment of State progress in meeting program goals, this section should also set forth measurable benchmarks or goals for each proposed activity.

Part III of the application should also describe any efforts to be supported to monitor State compliance with legislative or programmatic goals through ongoing audits or other means such as statistical analysis or comparison between

computerized criminal history records and National Incident-Based Reporting System (NIBRS) or Uniform Crime Reporting (UCR) data. Studies relating to handgun use or sales approval, if proposed, should be described in this section.

In addition, to ensure program continuity and emphasize the importance of judicial efforts in meeting newly established record requirements, the application should indicate the level of funds that will be made directly available to the courts, where the courts are the appropriate source for data on dispositions or other record data. If the application does not propose any direct funding to the courts, the application must either demonstrate that the State's computer-readable criminal history records are complete with dispositions or specify how the proposed activities will resolve existing deficiencies in timely electronic access to disposition information.

The application should also describe the extent to which proposed activities will support the design, implementation, or upgrade of criminal justice information systems so as to ensure Year-2000 compliance and compatibility with the NIBRS, NCIC 2000, NICS, IAFIS, and other applicable statewide or regional criminal justice information sharing standards or plans.

Part IV. Allocation of 1999 appropriation

The 1999 appropriation covers both NCHIP and NSOR. States may apply for up to \$200K for purposes related to the State sex offender registry and interface with the FBI's Sex Offender Registry. States which are already fully participating in the FBI system and are capable of participating in the permanent system may apply for all or a part of these funds to be directed toward other allowable NCHIP purposes. States which will be capable of

participating in the FBI permanent system, but are not currently participating in the interim system, may apply for such fund redirection provided that such redirection is justified and consistent with the States' progress toward such participation. Where States apply to redirect funds and the State Sex Offender Registry is administered by an agency other than the submitting agency, the applicant must demonstrate concurrence in such redirection by the agency administering the Registry.

In allocating funds within the State, States should take into consideration the fact that some expenditures may benefit both program efforts.

Part V. Coordination

The Bureau of Justice Statistics and the Bureau of Justice Assistance have jointly agreed that close and continuing coordination between the NCHIP, the Byrne 5% set-aside, and the SIS programs is critical. To avoid overlap and maximize funding effectiveness, BJS expects that program plans for projects to be funded under NCHIP, Byrne 5% set-aside, and SIS will be coordinated by the State agencies responsible for these programs. Where costs of a proposed activity exceed NCHIP available funds or are unallowable under NCHIP, the State might, for example, use Byrne funds to fill remaining needs. This joint effort will maximize the effectiveness of these programs.

Award period and budget

Awards may be for up to 12 months. Since the FY 1999 NCHIP program builds on the long-term NCHIP activity, States will have the flexibility to begin FY 1999 funded activities immediately upon award or as late as the summer of 2000. Activities must be completed by July 31, 2001. Where an application covers both NCHIP and NSOR

activities, the same end date should apply to all activities in the application.

The budget should provide details for expenses in required categories and by individual task (see Appendix A, Application content). The application should identify those agencies to receive direct funding and indicate the fiscal arrangements to accomplish fund transfer.

Application submission and due dates

Applications may be submitted at any time after publication of this announcement. Applications must be received by March 15, 1999, to be eligible for funding from the FY 1999 appropriation.

To minimize administrative burdens, States may resubmit parts of previous proposals that did not receive funds under previous NCHIP awards, accompanied by a current budget.

Review criteria

States should understand that full funding may not be possible for all proposed activities. Allocation of funds will be based on the amount requested and the following factors:

(1) the extent to which funds will support participation in NICS, III, the FBI's Sex Offender Registry and Protection Order File, and State systems integration efforts and compliance with Federal and State requirements for sex offender registries;

(2) the extent to which improvements in the State system, by virtue of record numbers, levels of technical development, or operating procedures, will have a major impact on availability of records throughout the national system;

(3) the proposed use or enhancement of innovative procedures which may be of value to other jurisdictions;

(4) the technical feasibility of the proposal and the extent to which the proposal appears reasonable in light of the State's current level of system development and statutory framework;

(5) the total amount already awarded under previous NCHIP and NSOR-AP program announcements;

(6) the extent to which the State has fulfilled goals of previous NCHIP, including NSOR-AP, awards, expended funds in previous awards, and demonstrated a commitment to criminal history record improvement through activities under the program;

(7) State commitment to the national record system as evidenced by membership in III, participation in the FBI's National Fingerprint File (NFF) and Felon Identification in Firearms Sales (FIFS) programs, etc., and the current status of development of its criminal history records and the Sex Offender Registry;

(8) reasonableness of the budget;

(9) evidence of State progress in meeting record improvement and background check goals as measured in terms of audits, and meeting data collection goals relating to presale firearm checks and background checks on persons seeking positions involving children, the elderly and the disabled;

(10) appropriate focus on criminal history data improvement regarding protection orders and crimes against children, the elderly, and the

disabled;

(11) nature of the proposed expenditures;

(12) the extent to which the application recognizes the role of the courts in ensuring complete records; and,

(13) the reasonableness of the relationship between the proposed activities and the current status of the State system, in terms of technical development, legislation, current fiscal demands, and future operating costs.

The program does not require either "hard" (cash) or "soft" (in-kind) match. Indications of State support, however, may be interpreted as expressions of commitment by the State to the program.

All applicants must agree to participate in evaluations sponsored by the Federal Government. Applicants must also agree to provide data relating to Brady Act activity to the Firearm Inquiry Statistics Program (FIST) in the format designated by the FIST.

Allowable costs

Allowable expenses are detailed below. All expenses are allowable only to the extent that they directly relate to programs described in the application's program narrative.

(1) **Participation in III.** This is a key goal. Covered costs include, but are not limited to, costs associated with automation of the database, synchronization of records between the State and the FBI, and development of necessary software and hardware enabling electronic access on an

intrastate or interstate basis.

(2) **Database enhancement.** Improving the quality, completeness, and accuracy of criminal history and sex offender records is a key goal of the NCHIP effort, and automated interface between prosecutor, courts, and corrections and the record repository is encouraged.

Allowable costs include the costs associated with implementing improved criminal history record capture procedures (including complete arrest reporting and researching missing dispositions, provided that the captured data are subsequently included in the permanent automated database), establishing more effective accuracy controls, and ensuring that records of all criminal events that start with an arrest or indictment are included in the database. BJS anticipates that in many cases accomplishing this goal will entail direct transfer of funds from the designated NCHIP agency to the courts.

In addition to felony records, funds may be used to capture data on domestic violence misdemeanors and to ensure that data on persons convicted of abuse of children, the elderly, and the disabled and/or stalking and domestic violence offenses (including protection orders and violations thereof) are included in the database.

Funds may also be used to automate and/or upgrade accuracy and completeness of the State sex offender registry. Eligible costs include automating linkages between the registry and law enforcement agencies within the State, and developing and implementing procedures to transfer information to the FBI. Funds may be used to develop and implement procedures, software and training and to ensure that changes in status and offender location are accurately

captured and recorded. Funds may only be used for procedures that are compatible with the FBI Sex Offender Registry and related systems.

States that currently participate in III may also use limited funds to identify and develop access to data on other categories of persons prohibited from firearm purchase under recent amendments to the Gun Control Act (18 U.S.C. Section 922), as incorporated in the Brady Act. States proposing use of funds for these purposes must demonstrate in the application that necessary protections for individual privacy will be incorporated in the proposed procedures. Information about current NCHIP-supported efforts in these areas and relevant State contacts is available through the BJS Internet site.

Funds provided to courts or prosecutors are allowable where the function to be supported is related to the capture of disposition or other data relating to the offender record, including the transmission of sex offender data to the registry (see, "Commitment to support court efforts relating to development of record systems" section, above).

(3) **Flagging of records.** Upgrading the accessibility of records through flagging for presale and preemployment checks is an important activity. Allowable costs include costs of flagging or algorithms used for flagging of felony records and records of persons with convictions for crimes involving children, the elderly, and/or the disabled, as well as records of persons convicted of crimes involving domestic violence and/or stalking. Costs may include the cost of technical record flagging and the costs associated with identification of records to be flagged (see [19] below regarding interface with NIBRS).

In support of the Sex Offender Registry, funds may also be used for review of existing records to identify, flag, and transmit data on previously released offenders who qualify for inclusion in the Sex Offender Registry. This may include a review of juvenile records where consistent with State law or practice.

(4) **Participation in the NICS.** NCHIP funds may be used to enable the State to participate in the NICS consistent with the provisions of 18 U.S.C. Section 922 (t). Allowable expenditures include, but are not limited to, costs necessary to enable the State to serve as a Point of Contact under the FBI's NICS system, and include costs of equipment, software, personnel training, and development and implementation of related operating and administrative procedures. Funds may not be used to cover ongoing costs of presale firearm background checks.

(5) **Firearm permits.** NCHIP funds may be used to comply with Brady Act provisions pursuant to an ATF-approved firearm permit system and to develop and implement procedures to review the currency of firearm permits and/or to provide appropriate notification when permits are revoked.

(6) **Participation in the NSOR.** The NCHIP program is intended to support the NSOR by assisting States to develop and enhance State registries that feed into the national system to ensure compliance with requirements set forth in State and Federal legislation (the Wetterling Act, Megan's Law, and the Lychner Act). Allowable expenditures include costs of equipment, software, personnel training, and development and implementation of related operating and administrative procedures. Costs of regular operating expenditures are not covered under the program.

Sex offender registry files supported with NCHIP funds must be compatible with the FBI file, and the application must indicate that records are presently being submitted to the FBI or indicate the date upon which that submission will commence. Funds are only allowable to support development of local sex offender registries where data in such files is or will become directly accessible throughout the State and available to the FBI's national system.

Funds may be used to purchase equipment and develop software to permit the disclosure of registry data in connection with background checks or other purposes as authorized by State or Federal legislation.

(7) **Improve online law enforcement access to sex offender registry data.** NCHIP funds are available to create a linkage between the State data file and systems accessed by local law enforcement officers. Funds may not be used to purchase equipment for use by individual law enforcement officers.

(8) **Protection order file.** Establishment of a protection order file to enhance the cross-jurisdictional enforcement of protective orders, and to support the FBI's National Protection Order File is an important goal of the NCHIP program. Costs (including equipment, software, training and procedural development) associated with development and enhancement of such files and with interface with the FBI's National Protection Order File are covered. Protection order files supported with NCHIP funds must be compatible with the FBI file, and the application must indicate that records are presently being submitted to the FBI or indicate the date upon which that submission will commence. Funds are only allowable to support development of local

protection order files where data in such files is or will become directly accessible throughout the State and available to the FBI's national system.

(9) Interface between criminal history records, sex offender registry, and civil protection order files. To ensure that, consistent with State law, a complete data review is possible in connection with background checks for child care or other authorized purposes, funds may be used to develop software to establish protocols to permit interface between the criminal history record system, the State sex offender registry, and related protection order files including files of civil protection orders.

(10) Uniform RAP sheet format. The FBI has recently endorsed a format and standards for transmission of a uniform RAP sheet (text version of a person's criminal history record) among States. The format reflects efforts initiated under the BJS/SEARCH Task Force on Uniform RAP Sheet Standards. Funds are available to assist States in converting State criminal history records to the FBI standard interstate RAP sheet format or for developing electronic interchange capabilities related thereto.

(11) Year-2000 compliance. To ensure that systems supported with NCHIP funds are used to design, implement, and upgrade State criminal justice information systems compliance with the Year-2000 requirements and compatible with the NIBRS, the NCIC 2000, the NICS, the IAFIS, and other applicable statewide or regional criminal justice information systems sharing standards and plans.

(12) Record automation. These are allowable costs only with respect to records with activity occurring within 5 years of the date of automation.

As appropriate, allowable costs also include costs associated with system design in States with nonautomated systems or in States proposing to enhance system operation to include access to non-criminal history databases.

(13) AFIS/livescan. Funds may be used to purchase equipment, develop procedures, and implement protocols related to activities involving the AFIS, repository, and the operation of the registry. This may include purchase of livescan equipment for local agencies. Where funds are to be used for this purpose, the application should demonstrate that funds can be justified on the basis of geographic, population, traffic, or other related factors. Livescan can only be purchased where the State has established an AFIS and either has implemented or is implementing procedures to ensure that the AFIS is compatible with FBI standards.

States should understand that Byrne 5% set-aside funds are available for AFIS/livescan, and that, accordingly, use of NCHIP funds for AFIS or livescan will only be allowable when justified as appropriate given the overall status of the State system, its participation in the national system and its planned use of Byrne 5% set-aside funds. This is particularly relevant with respect to State proposals to use NCHIP funds to cover costs of local livescan equipment.

(14) Establish mugshot identification capability. In support of the Sex Offender Registry operation, funds may be used for purchase of equipment and development/implementation of procedures to include mugshots of registrants for use either within the State or for transmission to the FBI at such time as that capability becomes available. Mugshots support community notification and law enforcement use

of the registry as a tool for identification and apprehension of suspects. States requesting funds for this use must justify the location of the equipment in terms of geography, population, traffic, and demography and ensure that equipment to be used at the local or county level includes the capability for transmission of images to the registry for use throughout the State. All equipment and software purchased or developed with funds under the award must be compatible with FBI standards.

(15) Interface with NIBRS. Funds may be used to interface with any State data system that is compatible with NIBRS for purposes of identifying persons convicted of crimes against children, the elderly, or the disabled; sex offenses; crimes involving domestic violence and/or stalking; and/or identification of records involving firearm crimes for operational or research purposes. NCHIP funds are not available, however, to develop the NIBRS database.

(16) Research, evaluation, monitoring, and audits. Costs associated with research or evaluation efforts are allowable to the extent that they are directly associated with a project approved in the application. Costs associated with monitoring State compliance with legislative or programmatic goals through ongoing or periodic audits or other procedures are allowable and encouraged. The purchase of equipment such as modems and the necessary communications and data software for storing and transmitting evaluative data between States and to BJS or other designated Federal agencies is an allowable expense.

(17) Conversion of juvenile records to the adult system. Federal regulations allow the FBI to accept juvenile records if submitted by the State or

local arresting agency. Expenditures to interface juvenile and adult records are allowable if consistent with relevant State law and undertaken to further the goals of the NCHIP program.

(18) Missing dispositions backlog reduction. These costs are allowable to improve the level of disposition reporting but only where limited to records with activity within the past 5 years. States must also propose a strategy to prevent future backlogs from developing.

(19) Equipment upgrades. Upgrade costs are allowable where related to improving availability of data and where appropriate given the level of data completeness, participation in III, etc. Replacement costs will be considered, but States are encouraged to contribute some portion of the total costs.

(20) Training, participation in seminars and meetings. Limited funds may be used to cover costs of training and participation in State, regional, or national seminars or conferences (including travel, where necessary).

(21) Reducing cost of background checks. States may use funds to develop and implement technologies that lower costs of conducting background checks. These funds may also be used to pay all or part of the State's cost of conducting background checks on persons who are employed by or volunteer with a public, not-for-profit, or other voluntary organization to reduce the amount of fees charged for such background checks, consistent with 41 U.S.C. 5119 (b).

Appendix A

Application and administrative requirements

Appendix A

Application and administrative requirements

Application content

All applicants must submit:

- Standard Form 424, Application for Federal Assistance
- Budget Detail Worksheet (replaced the SF 424A, Budget Information)
- OJP Form 4000/3 (Rev. 193), Program Narrative and Assurances
- OJP Form 4061/6 Certification Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements

Applicants are requested to submit an original and two copies of the application and certifications to the following address:

Application Coordinator
Bureau of Justice Statistics
810 Seventh Street, NW
Washington DC 20531
Telephone: (202) 616-3500

Standard Form 424 (SF-424). The SF-424, a one-page sheet with 18 items, serves as a cover sheet for the entire application. This form is required for every application for Federal assistance. NO APPLICATION CAN BE ACCEPTED WITHOUT A COMPLETED, SIGNED ORIGINAL SF-424. Directions to complete each item are included on the back of the form.

Budget Detail Worksheet. Applications must provide a detailed justification for all costs, including the basis for computation of these costs. For example, the detailed budget would include the salaries of staff involved in the project and the portion of those salaries to be paid from the award; fringe benefits paid to each staff person; travel costs related to the project; equipment to be purchased with the award funds; and supplies required to complete the project.

Budget narrative. The budget narrative should detail costs included in each budget category for the Federal and the non-Federal (in-kind and cash) share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and data used to arrive at the estimates for each budget category. The budget narrative should also indicate amounts to be made available to subrecipient agencies (under Contractual/Contracts category) other than the direct award recipient. The following information is provided to assist the applicant in developing the budget narrative:

a. *Personnel category.* List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in federally assisted activities must be consistent with that paid for similar work in other activities of the applicant.

b. *Fringe benefits category.* Indicate each type of benefit included and explain how the total cost allowable for employees assigned to the project is computed.

c. *Travel category.* Itemize travel expenses of project personnel by purpose (e.g., faculty to

training site, field interviews, advisory group meetings, etc.) and show basis or computation (e.g., "Five trips for x purpose at \$80 average cost \$50 transportation and two days per diem at \$15" or "Six people to 3-day meeting at \$70 transportation and \$45 subsistence.") In training projects where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved.

(1) Identify the tentative location of all training sessions, meetings, and other travel.

(2) Travel costs are allowable as expenses by employees who are in travel status on official business. These costs must be in accordance with the Federal or an organizationally-approved travel policy.

(3) Recipients may follow their own established travel rates. If a recipient does not have an established travel policy, the recipient must abide by the Federal travel policy. Subrecipients of States must follow their State's established travel policy. If a State does not have an established travel policy, the subrecipient must abide by the Federal travel rates.

d. *Equipment.* List each type of equipment to be purchased or rented with unit or monthly costs.

e. *Supplies.* List items within this category by major type (office supplies, training materials, research forms, postage) and show basis for computation. Provide unit or monthly estimates.

f. *Contractual category.* State the selection basis for any contract, subcontract, prospective contract or prospective subcontract (including construction services and equipment). Please note,

applications that include noncompetitive contracts for the provision of specific services must contain a sole source justification for any procurement in excess of \$100,000.

For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week, or hour) and the amounts of time to be devoted to such services. For construction contracts and organization (including professional associations and education institutions performing professional services), indicate the type of service to be performed and the estimated contract cost data.

g. *Construction category.* Describe construction or renovation which will be accomplished using funds awarded and the method used to calculate cost.

h. *Other category.* Include under "other" such items as rent, reproduction, telephone, and janitorial or security services. List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately.)

i. *Indirect charges category.* The Agency may accept an indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

j. *Program income.* If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application to reduce the cost of the project or to increase the scope of the project). Also, describe the source of program income, listing the rental rates to be obtained, sale

prices of publications supported by grant funds, and registration fees charged for particular sessions. If scholarships (covering, for example, registration fees) are awarded by the organization to certain conference attendees, the application should identify the percentage of all attendees that are projected as "scholarship" cases and the precise criteria for their selection.

Program narrative. All applications must include a program narrative that fully describes the expected design and implementation of the proposed program. OJP Form 4000/3 (Rev. 193) provides additional detailed instructions for preparing the program narrative.

The narrative should include a time line of activities indicating, for each proposed activity, the projected duration of the activity, expected completion date, and any products expected. The application should include a description of the roles and responsibilities of key organizational and/or functional components involved in project activities; and a list of key personnel responsible for managing and implementing the major elements of the program.

Assurances. OJP Form 4000/3 (Rev 193) must be included in the application submission. If submitting this form separately from the SF-424, the applicant must sign and date the form to certify compliance with the Federal statutes, regulations, and requirements as cited.

Certification Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace. Applicants should refer to the regulations cited in OJP Form, 4061/6 to determine the certification to which they are required to attest. A copy of OJP Form 4061/6 can be obtained from the BJS Application

Coordinator. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 C.F.R. Part 69, "New Restrictions on Lobbying," and 28 C.F.R. Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

Reporting requirements

Semi annual progress reports. Recipients are required to submit semiannual progress reports. The progress reports describe activities during the reporting period and the status or accomplishment of objectives as set forth in the approved award documents and/or subsequently approved project time line. Progress reports must be submitted within 30 days after the end of the reporting periods, which are **June 30 and December 31** for the life of the award.

A final report which provides a summary of progress toward achieving the goals of the grant, major projects activities, significant results, and any products developed is due 120 days after the end of the grant.

Financial status reports. Financial status reports (SF 269A) are due quarterly on the 45th day following the end of each calendar quarter. A report must be submitted every full quarter that the award is active. The final report is due 120 days after the end date of the award.

Fund drawdowns and future awards may be withheld if progress and financial status reports are delinquent. An original and two copies of all reports must be sent to the Office of the Comptroller, Control Desk, Rm 5303, 810 7th Street, NW, Washington, D.C. 20531-0001.

Single audit report. On June 30, 1997, the Office of Management and Budget issued Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," which establishes regulations to implement the Single Audit Act of 1996. This Circular A-133 outlines the requirements for organizational audits which apply to BJS grantees.

Recipients which expend \$300,000 or more of Federal funds during the fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be preformed in accordance with the U.S. General Accounting Office Government Auditing Standards.

For fiscal years beginning on or after July 1, 1998, the audit report will be due nine (9) months after the end of the recipient's fiscal year. The completed audit reports for State and local governments, institutions of higher learning, and non-profit institutions should be mailed to the Federal Audit Clearinghouse, Bureau of the Census, 1201 East 10th Street, Jeffersonville, IN 47132. In addition, a copy of the transmittal letter should be mailed to the Office of the Comptroller, Office of Justice Programs, Control Desk, at the above address.

Civil rights obligations

All applicants for Federal financial assistance must sign Certified Assurances that they are in

compliance with the Federal laws and regulations which prohibit discrimination in any program or activity that receives such Federal funds. Section 809(c), Omnibus Crime Control & Safe Streets Act of 1968, provides that:

No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans With Disabilities Act prohibit discrimination on the basis of disability.

The applicant agency must discuss how it will ensure nondiscriminatory practices as they relate to:

- (1) Delivery of services or benefits to ensure that individuals will not be denied access to services or benefits under the program or activity on the basis of race, color, religion, national origin, gender, age, or disability;
- (2) Employment practices to ensure that its personnel in the program or activity are selected for employment without regard to race, color, religion, national origin, gender, age, or disability; and
- (3) Program participation to ensure members of any planning, steering or advisory board, which is an integral part of the program or activity, are not excluded from participation on the basis of race, color, religion, national origin, gender, age or disability; and to encourage the selection of such members who are reflective of the diversity in the

community to be served.

Intergovernmental review of Federal programs

Federal Executive Order 12372, "Intergovernmental Review of Federal Programs," allows States to establish a process for reviewing Federal programs in the State, to choose which programs they wish to review, to conduct such reviews, and to make their views known to the funding Federal agency through a State "single point of contact."

If the State has established a "single point of contact," and if the State has selected this program to be included in its review process, the applicant must send a copy of its letter or application to the State "single point of contact" at the same time that it is submitted to BJS. The letter or application submitted to BJS must indicate that this has been done. The State must complete its review within 60 days. The review period will begin on the date that the letter or application is officially received by BJS. If BJS does not receive comments from the State's "single point of contact" by the end of the review period, this will be interpreted as a "no comment" response.

If the State has not established a "single point of contact," or if it has not selected the BJS statistics development or criminal history improvement programs in its review process, this must be stated in the letter or application.

Appendix B

Application Forms

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: <i>Application</i> ☐ Construction ☐ Non-Construction <i>Preapplication</i> ☐ Construction ☐ Non-Construction		2. DATE SUBMITTED	Applicant Identifier
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION	
Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)
6. EMPLOYER IDENTIFICATION NUMBER (EIN): —	
7. TYPE OF APPLICANT: (enter appropriate letter in box) <input style="float: right;" type="checkbox"/> A. State H. Independent School Dist. B. County I. State Controlled Institution of Higher Learning C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify): _____	
8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ ☐ A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____	
9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:	
11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):	
13. PROPOSED PROJECT:	
Start Date	Ending Date
14. CONGRESSIONAL DISTRICTS OF:	
a. Applicant	
b. Project	
15. ESTIMATED FUNDING:	
a. Federal	\$.00
b. Applicant	\$.00
c. State	\$.00
d. Local	\$.00
e. Other	\$.00
f. Program Income	\$.00
g. TOTAL	\$.00
16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation. ☐ No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED	
a. Typed Name of Authorized Representative	b. Title
c. Telephone number	
d. Signature of Authorized Representative	e. Date Signed

Instructions for Completion of the Application for Federal Assistance (SF 424)

The Application for Federal Assistance is a standard form used by most Federal agencies. This form contains 18 different items, which are to be completed before submission. All applications should include a completed and signed SF 424.

Item	Instructions
1	Type of Submission: If this proposal is not for construction or building purposes, check "Non-Construction".
2	Date Submitted: Indicate the date you sent the application to OJP. The "Application Identifier" is the number assigned by your jurisdiction, if any. If your jurisdiction does not assign an identifier number, leave this space blank.
3	Date Received by State: Leave blank. This block is completed by the State single point of contact, if applicable.
4	Date Received by Federal Agency: This item will be completed by OJP.
5	Applicant Information: The "Legal Name" is the unit of government of the parent organization. For example, the primary or parent organization of a law enforcement agency is the name of the city or township. Thus the city or township should be entered into the Legal Name box and the name of the law enforcement agency would be entered into the Organizational Unit box. Designate one person as the contact, and include their telephone number.
6	Employer Identification Number: Each employer receives an employer identification number from the Internal Revenue Service. Generally, this number can be easily obtained from your agency's accountant or comptroller.
7	Type of Applicant: Enter the appropriate letter in this space. If the applicant is representing a consortium of agencies, specify by checking Block N and entering "consortium".
8	Type of Application: Check either "new" or "continuation". Check new if this will be your first award for this purpose described in the application, even if the applicant has received prior awards for other purposes. Check "continuation", if the project will continue activities of a project, that was begun under a prior award.
9	Name of Federal Agency: Type in the name of the awarding agency, such as "Bureau of Justice Assistance".
10	Catalog of Federal Domestic Assistance Number: This would be contained in the program announcement. An example would be 16._____.
11	Descriptive Title of Applicants Project: Type in the: (1) title of the program as it appears in the solicitation or announcement; (2) name of the cognizant Federal agency, ex. U. S. Department of Education; and (3) applicant's fiscal year, i.e. twelve month audit period, ex: 10/1/95 - 9/30/96.
12	Areas Affected by Project: Identify the geographic area(s) of the project. Indicate "Statewide" or "National", if applicable.
13	Proposed Project Dates: Fill in the proposed begin and end dates of the project.
14	Congressional Districts: Fill in the Congressional Districts in which the project will be located as well as the Congressional District(s) the project will serve. Indicate "Statewide" or "National", if applicable.
15	Estimated Funding: In line "a," enter the Federal funds requested, not to exceed the dollar amount allocated in the program announcement. Indicate any other resources that will be available to the project and the source of those funds on lines "b-f," as appropriate.
16	State Executive Order 12372: Some states require you to submit your application to a State "Single Point of Contact" (SPOC) to coordinate applications for Federal funds. If your State requires a copy of your application, indicate the date submitted. If a copy is not required, indicate the reason. (Refer to the "Administrative Requirements" section of the program announcement, for more information.) The SPOC is not responsible for forwarding your application.
17	Delinquent Federal Debt: This question applies to the applicant organization. Categories of debt include delinquent audit allowances, loans, and taxes.
18	Authorized Representative: Type the name of the person legally authorized to enter into agreements on behalf of your agency. This signature on the original application must be signed in blue ink and/or stamped as "original" to help identify the original.

ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or give the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal Sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed in the Environmental protection Agency's (EPA-list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Signature

Date

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
		TOTAL_____

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computation	Cost
		TOTAL_____
		Total Personnel & Fringe Benefits_____

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
				TOTAL _____

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Expendable items should be included either in the "supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
		TOTAL _____

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
		TOTAL_____

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
		TOTAL_____

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
--------------------	------------------	-------------	------

Subtotal_____

Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
------	----------	-------------	------

Subtotal_____

Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost
------	------

Subtotal_____

TOTAL_____

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
		TOTAL

Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
A. Personnel	_____
B. Fringe Benefits	_____
C. Travel	_____
D. Equipment	_____
E. Supplies	_____
F. Construction	_____
G. Consultants/Contracts	_____
H. Other	_____
Total Direct Costs	_____
I. Indirect Costs	
TOTAL PROJECT COSTS	_____

Federal Request _____

Non-Federal Amount _____



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Criminal Record Systems Improvement & Policy

[National Criminal History Improvement Program](#)
[National Sex Offender Registry](#)
[Criminal Records Policy Program](#)

National Criminal History Improvement Program (NCHIP)

[Program summary & announcements](#) | [State-by-State summary](#) | [Recent data](#)

Program summary

The National Criminal History Improvement Program (NCHIP) is an umbrella program designed to assist States in meeting evolving Federal and State requirements concerning criminal history and related records such as protective orders and sexual offender registry records. The goal of the NCHIP program is to ensure that accurate records are available for use in law enforcement, including sex offender registry requirements, and to permit States to identify ineligible firearm purchasers, persons ineligible to hold positions involving children, the elderly, or the disabled, and persons subject to protective orders or wanted, arrested, or convicted of stalking and/or domestic violence.

Under the program, direct funding and technical assistance is provided to improve the quality, timeliness and immediate accessibility of criminal history and related records. Funds and technical assistance are also provided to support the interface between States and the national record systems, including the FBI operated National Instant Criminal Background Check System (NICS) established pursuant to the permanent provision of the Brady Handgun Violence Prevention Act, the National Sex Offender Registry (NSOR), and the ~~National Protective Order File~~ which facilitates compliance with Federal full faith and credit requirements. Funds are also awarded for collection of data on presale firearm background checks.

2, The NCHIP program is closely coordinated with the **Edward Byrne Memorial Grant Program** which requires that States must use at least 5% of their awards for the improvement of criminal justice records.

The NCHIP Program was initiated in 1995 and, to date, includes the following components:

NCHIP Core Program: The NCHIP core program was initiated in FY 1995 and awards have been made annually in Fiscal Year 1995, 1996, 1997, and 1998. Additional awards are planned in 1999.

Under the core NCHIP program, funds are awarded to assist States and eligible territories in automating and upgrading the completeness and accuracy of criminal history records. Criminal history records are records supported by fingerprint identification which show an arrest and any subsequent dispositions, such as a conviction or acquittal. Funds may also be used to support participation in the FBI's Interstate Identification Index which facilitates the interstate exchange of criminal history records for law enforcement and related purposes, such as presale firearm checks. Since its inception, the program has expanded to include allowable funding to cover costs associated with collection and flagging of records of persons convicted of stalking and domestic violence, including persons subject to, and/or convicted of, violations of protective orders. In FY 1998, the NCHIP program placed particular emphasis on ensuring that States participate in the National Instant Criminal Background Check System (NICS) which consistent with the Brady Act became operational in November 1998. Special emphasis has been placed in FY 1999 on developing and enhancing sex offender registries that feed into the FBI's National Sex Offender Registry System to ensure compliance with requirements set forth in State and

Federal legislation.

Awards under the NCHIP program are made only to the single agency designated by the Governor to administer the funds in the jurisdiction. As of the end of Fiscal Year 1998, an award had been made to every State under this program. Over \$200 Million has been awarded in direct grants to States during FY 1995, 1996 and 1997, and 1998. The appropriation for FY 1999 is \$45 Million.

**National Criminal History Improvement Program: Fiscal Year 1999
Program Announcement**, 2/99. NCJ 175033

**National Criminal History Improvement Program: Fiscal Year 1998
Program Announcement**, 5/98. NCJ 171127

**National Criminal History Improvement Program: Fiscal Year 1997
Program Announcement**, 6/97. NCJ 165589

**National Criminal History Improvement Program: Fiscal Year 1996
Program Announcement**, 5/96. NCJ 161135

**National Criminal History Improvement Program:
Program Announcement**, 12/94. NCJ 151173

Advanced State Award Program (ASAP) : The Advanced State Award Program (ASAP) is an adjunct of the core NCHIP program under which States which had already established highly developed criminal record systems and were members of the Interstate Identification Index were eligible to receive funds to review problems and develop policies and techniques to access noncriminal history record data as required under the Brady Handgun Violence Prevention Act. Awards were only made in FY 1995. Nineteen States received these awards.

Advanced State Award Program, 11/95. NCJ 157795

National Sex Offender Registry Assistance Program (NSOR-AP)

State-by-State summary

The NSOR-AP program, initiated in FY 1998, provides funds to States to assist in developing and enhancing sex offender registries which identify and contain current address information on convicted sex offenders who are released from supervision. Funds may also be used assist States to participate in both the interim and permanent FBI National Sex Offender Registry systems. Awards are made only to the agency designated by the Governor to administer the program. All States and eligible territories were eligible to apply for NSOR-AP awards. Starting in FY 1999, activities formerly funded under the this program will be funded through the **NCHIP program**.

**National Sex Offender Registry Assistance Program (NSOR-AP):
Fiscal Year 1998 Program Announcement**, 3/98. NCJ 169273

Firearm Inquiry Statistics Program (FIST): The Firearm Inquiry Statistics (FIST) program is designed to collect annual data describing the number of inquiries made in connection with presale handgun checks and the number and basis for rejection of such inquiries. Data collection procedures are adjusted to reflect the differing presale check procedures under the permanent system (which became effective on 11/30/98) and the interim period (02/28/94 - 11/29/98). For historical reference, the 1997 Survey of State Procedures Related to Firearm Sales describes the latest data available on presale handgun checks made by the states during the interim period, and handgun check estimates are available from February 1994 through 1997. Data for calendar year 1998 will include estimates under the interim presale handgun check system established by the Brady Act (through November, 1998) as well as December (1998) data from the National Instant Criminal Background Check System (NICS, the permanent system provided by the Brady Act). As the permanent system requires a check on all firearms (including handguns), subsequent annual releases will include data on both long-guns and handguns.

A 1997 update of the *Survey of State Procedures Related to Firearm Sales* is available. 3/99 NCJ 173942

Acrobat (318K) | **Ascii text** (206K)

National Technical Assistance and Evaluation program : Under this component of the NCHIP program, BJS has funded a grant to SEARCH Group, Inc. to provide onsite and telephone assistance to States which have received funds to assist in upgrading record systems. To date over 30 onsite visits have been made. Requests for such assistance must be originated by the agency receiving BJS funding, although the assistance may be provided to an alternate agency designated by the grant recipient.

BJS made an award to Queues Enforth Development (QED) to conduct an ongoing comprehensive evaluation of the NCHIP, CHRI, and Byrne 5% Set-aside programs. The evaluation is designed to assess the impact of the NCHIP, CHRI, and Byrne 5% Set-aside programs in individual States, particularly regarding the accuracy, completeness, and timeliness of criminal history record information in central repositories.

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State-by-State summary

- **Funding**
 - [NCHIP and NSOR](#)
- **Activities**
 - [NCHIP and NSOR](#)
- **Contacts**
 - [State Repository Director addresses](#)
 - [NCHIP agency addresses](#)
 - [NSOR agency addresses](#)

Recent data

- [Summary of State Sex Offender Registries Dissemination and Procedures: Update 1999](#)
- [Summary of State Sex Offender Registries: Automation and Operations, 1998](#)
- [Survey of State Criminal History Information Systems, 1997](#)
(Acrobat file 445K)
- [Status of Criminal History Records in the United States](#)

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Criminal Records Policy Program

This program supports surveys, studies, conferences, and technical assistance on issues relating to criminal justice records. Primary emphasis is on accuracy and completeness of records, limitations on dissemination, commingling of juvenile and adult records, data auditing techniques, and the interstate exchange of records. Under this program, the 50-State Survey of Criminal History Information Systems is conducted, providing information on the technology, policy and legislative status of criminal history records.

[Criminal records policy publications](#)

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Publications

[Records improvement](#) | [Criminal records policy](#)

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Records improvement

Summary of State Sex Offender Registries Dissemination and Procedures:

Update 1999, 8/99. Describes the procedures for disseminating sex offender registry information to criminal justice agencies, schools and other youth-serving organizations, and the general public. This report updates the "Dissemination of Sex Offender Registry Data" section of the Summary of State Sex Offender Registries: Automation and Operation 1998. NCJ 177620

Summary of State Sex Offender Registries: Automation and

Operations, 1998, 8/99. Presents information on the status of sex offender registries in the 50 States and the District of Columbia as they operated in April 1998, prior to the award of any Federal funds distributed under the National Sex Offender Registry Assistance Program (NSOR-AP) administered by the Bureau of Justice Statistics (BJS). NCJ 177621

Presale Handgun Checks, the Brady Interim Period, 1994-98, 6/99. Provides a national estimate of the number of presale background checks conducted in connection with proposed firearm purchases, the number and percent of rejections, and the basis for the rejections. NCJ 175034

Presale Handgun Checks, 1997, 6/98. NCJ 171130

Presale Handgun Checks, 1996, 9/97. NCJ 165704

Presale Firearm Checks, 2/97. NCJ 162787

Survey of State Criminal History Information Systems, 1997, 4/99. Describes the status of State criminal history records systems as of yearend 1997. NCJ 175041

Survey of State Criminal History Information Systems, 1995, 5/97. NCJ 163918

Survey of Criminal History Information Systems, 1993, with Supplementary Information on Presale Firearm Checks, 1994, 1/95. NCJ 148951

Survey of Criminal History Information Systems, 1992, 11/93. NCJ 143500

Survey of State Procedures Related to Firearm Sales, 1996, 9/97. Describes procedures followed in all 50 States in connection with presale firearm checks. NCJ-163918

Survey of State Procedures Related to Firearm Sales, 5/96. NCJ-160763

Domestic and Sexual Violence Data Collection: A Report to Congress under Violence Against Women Act, 7/96. Reports how States and the Federal government collect data on the incidence of sexual and domestic violence offenses. NCJ 161405

Increasing the Utility of the Criminal History Record: Report of the National Task

Force, 12/95. This report describes deliberations of a multi-agency task force to develop a uniform RAP sheet format and identifies and discusses issues concerning inclusion and presentation of RAP sheet data. NCJ 156922

Criminal records policy

National Crime Prevention and Privacy Compact: Resource Materials

, 1/99. Presents a section-by-section analysis of procedures for interstate exchange of criminal history records for noncriminal justice purposes such as background checks on persons seeking positions of responsibility involving national security, employment with children or the elderly. NCJ 171671

National Conference on Sex Offender Registries, 5/98. Contains presentations and materials on issues related to criminal record data quality, identification, domestic violence, and sex offenders by Federal, State, and local governmental representatives, administrators, and researchers. NCJ 168965

Compendium of State Privacy and Security Legislation: 1997 Overview

, 5/98. Overview of State legislation governing the privacy, security, maintenance, and dissemination of criminal history records. NCJ 168964

**Compendium of State Privacy and Security Legislation: 1994
Overview**, 1/1/95. NCJ 151262

National Conference of Juvenile Justice Records: Appropriate Criminal and Noncriminal Justice Uses -- Proceedings of a BJS/SEARCH Conference, 5/97. Contains the presentations of speakers at the May 1996 conference on collection and use of juvenile records sponsored by BJS and SEARCH. NCJ 164269

Privacy and Juvenile Justice Records: A Mid-Decade Status, 5/97. A comprehensive and broad overview of the status of juvenile justice records and information systems as of 1995, as well as an analysis of related information and privacy issues. NCJ 161255

National Conference on Criminal History Records: Brady and Beyond -- Proceedings of a BJS/SEARCH Group Conference, 1/95. Includes presentations made by the speakers at the National Conference on Criminal History Records in Washington, D.C., in February 1994. NCJ 151263

Use and Management of Criminal History Record Information: A Comprehensive Report, 11/93. Contains a comprehensive description of all aspects of the Federal and State criminal history record information (CHRI) systems. NCJ 143501

Directory of Automated Criminal Justice Information Systems, 1993, 9/93. Serves as a resource guide for criminal justice agencies selecting an automated information management system by indexing systems now in place. Vol. I, NCJ 142645 & Vol. II, NCJ 142646

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Related sites

- **National Privacy and Crime Prevention Compact** at the Office of Legislative Affairs, U.S. Department of Justice -- a proposed compact between the States (previously known as "III Compact") to facilitate interstate access to criminal records for noncriminal justice purposes.
- **Federal Bureau of Investigation**
- **Bureau of Alcohol, Tobacco and Firearms** (See Brady law)
- **Search**, The National Consortium for Justice Information and Statistics

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U.S. Department of Justice
Bureau of Justice Statistics

National Criminal History Improvement Program: Fiscal Year 1999 Program Announcement

Describes the procedures for applying for continuation funding under the Bureau of Justice Statistics' National Criminal History Improvement Program (NCHIP). The NCHIP program assists States in to improve the accuracy, completeness, and interstate availability of criminal history records, to identify and flag records of persons convicted of domestic violence offenses, including stalking, and related protective orders, and, to develop interfaces between State record systems and the interstate systems operated by the FBI, including the National Instant Criminal Background Check system (NICS), the Interstate Identification System (IIS), the Integrated Automated Fingerprint Identification System (IAFIS), and the FBI's Sex Offender Registry and National Protection Order file.

Starting in FY 1999, activities formerly funded under the BJS National Sex Offender Registry Assistance Program (NSOR-AP) will also be funded from the NCHIP appropriation. The goal of the NSOR-AP program is to assist States to establish and upgrade the operation of State sex offender registries and to interface these registries with the FBI's National Sex Offender Registry. This will ensure that accurate and complete information about released sex offenders is appropriately made available to protect the public and prevent further victimization. The FY 1999 appropriation for the overall NCHIP program is \$45 million. 2/99 NCJ 175033

This announcement is one in a series. More recent announcements may be available. To view a list of all in the series go to **Criminal Record Systems Improvements & Policy**.

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Page last revised on *February 23, 1999*

August 5, 1998

BRADY LAW EVENT

DATE: August 6, 1998
LOCATION: Rose Garden
BRIEFING TIME: 10:00 am
EVENT TIME: 10:30 am
FROM: Bruce Reed

I. PURPOSE

To demonstrate your commitment to defend and strengthen the Brady Law by: (1) challenging Congress to make permanent the Brady waiting period of up to five days before the purchase of a handgun; and (2) opposing recent Congressional efforts to undermine final implementation of the Brady Law.

II. BACKGROUND

The Brady Law gives local law enforcement up to five days to block the sale of a handgun to an ineligible purchaser, but this provision sunsets when the National Instant Criminal Background Check System (NICS) takes effect on November 30, 1998. While NICS will allow access to a fuller set of records than is now available -- and stop even more ineligible purchasers from buying firearms -- a permanent waiting period will enhance local law enforcement's ability to be the last, best line of defense against illegal handgun purchases.

At this event you will:

Challenge Congress to make permanent the Brady waiting period for handgun sales.

You will challenge Congress to extend the Brady waiting period for handguns before it expires on November 30th. You will announce your support for legislation introduced by Representative Schumer and Senator Durbin and applying to all states to which the Brady Law now applies that will: (1) require a minimum 3-day waiting period for all handgun purchases; (2) add up to an additional two days to the waiting period if law enforcement officers need more time to clarify arrest records; and (3) require gun dealers to notify local law enforcement officials of all proposed handgun purchases, as they must now but under current law need not once the NICS goes into effect.

Commit to fight Congressional efforts to undermine Brady.

You will also announce the Administration's strong opposition to an anti-Brady amendment that Senator Smith (NH) attached to the Senate Commerce-Justice-State appropriations bill. If passed, this amendment would significantly undermine implementation of the NICS by: (1) prohibiting the FBI from charging gun dealers a user fee, as it does for similar background checks requested by school districts, day care providers, and many others; (2) mandating the immediate destruction of records required to audit and ensure the integrity of the NICS; and (3) creating a federal cause of action for parties aggrieved under these provisions. Most important, without the resources generated by a user fee, the FBI either will have to forego processing millions of background checks, or will have to transfer resources from other crime fighting efforts.

III. PARTICIPANTS

Briefing Participants:

Secretary Rubin
Attorney General Reno
Rahm Emanuel
Bruce Reed
Jose Cerda

Participants:

The Vice President
Secretary Rubin
Attorney General Reno
Police Officer Jerry Flynn, National Vice President for the International Brotherhood of
Police Officers, Lowell, Massachusetts.
Sarah and Jim Brady

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- YOU will be announced onto the stage accompanied by Secretary Rubin, Attorney General Reno, Police Officer Jerry Flynn, Sarah and Jim Brady.
- Secretary Rubin will make welcoming remarks.
- Attorney General Reno will make remarks.
- Officer Jerry Flynn will make remarks and introduce the Vice President.
- The Vice President will make remarks and introduce Sarah Brady.
- Sarah Brady will make remarks and introduce YOU.
- YOU will make remarks.
- YOU will then ask Jim Brady to make informal remarks.
- Jim Brady will make a brief statement.
- YOU will thank Jim Brady for his remarks and then depart.

VI. REMARKS

Remarks provided by Jeff Shesol in Speechwriting.

President Clinton: Defending and Strengthening the Brady Law

August 6, 1998

At a Rose Garden event today, President Clinton will challenge Congress to make permanent the Brady waiting period of up to five days before the purchase of a handgun; and oppose Congressional efforts to undermine final implementation of the Brady Law.

Making Permanent the Brady Waiting Period for Handgun Sales

Preserving a critical law enforcement tool. The Brady Law establishes a five-day waiting period before a handgun can be sold, but this provision sunsets when the National Instant Criminal Background Check System (NICS) takes effect on November 30, 1998. While NICS will allow access to a fuller set of records than is now available -- and stop even more ineligible purchasers from buying firearms -- a permanent waiting period will enhance local law enforcement's ability to be the last, best line of defense against illegal handgun purchases. This waiting period will allow law enforcement officers to check additional, non-computerized records, and will provide cooling-off time for handgun purchases.

Calling on Congress to beat the deadline. President Clinton will challenge Congress to extend the Brady waiting period for handguns before it expires on November 30th. He will support legislation introduced by Representative Schumer and Senator Durbin and applying to all states to which the Brady Law now applies that will: (1) require a minimum 3-day waiting period for all handgun purchases; (2) add up to an additional two days to the waiting period if law enforcement officers need more time to clarify arrest records; and (3) require gun dealers to notify local law enforcement officials of all proposed handgun purchases, as they must now but under current law need not once the NICS goes into effect.

Defending the Brady Law

Proof positive that Brady works. Since taking effect in 1994, the Brady Law has prevented an estimated 242,000 felons, fugitives, mentally unstable persons, and other prohibited purchasers from buying handguns. In 1997 alone, 69,000 handgun purchases were blocked as a result of Brady background checks.

Expanding Brady's reach. Under the Brady Law, the National Instant Criminal Background Check System (NICS) will take effect on November 30, 1998. NICS will allow access to a fuller set of records than is now available, and law enforcement officials will use it to conduct checks of all prospective gun purchases -- not just handgun purchasers. After nearly 5 years of working with law enforcement to develop the NICS, the Justice and Treasury Departments plan to propose a regulation to finalize its implementation next week.

Fighting efforts to undermine Brady. A recent amendment to the Senate Commerce-Justice-State appropriations bill would undermine implementation of the NICS. Among other things, the amendment would prohibit the FBI from charging gun dealers a fee for background checks, even though the FBI currently charges school districts, day care providers, and many others for similar background checks. Without the resources generated by such a user fee, the FBI either will have to forego processing millions of background checks, or will have to transfer resources from other crime fighting efforts. The Administration strongly opposes this anti-Brady amendment.

**Brady Event
Questions and Answers
August 6, 1998**

Waiting Period on Handgun Sales

Q. Can you elaborate on why the President supports making permanent the Brady waiting period prior to the sale of a handgun?

A. Under the Brady Law, the National Instant Criminal Background Check System (NICS) will take effect on November 30, 1998. NICS will allow access to a fuller set of records than is now available, and law enforcement officials will use it to conduct checks of all prospective gun purchases -- not just handgun purchasers. We are pleased with the significant progress this Administration has made over the last 5 years to assist states in improving the accessibility of their criminal records once the NICS takes effect. These improved records will go a long way in helping to stop even more ineligible purchasers from buying firearms.

Once the NICS takes effect, the 5-day waiting period for handgun sales established in the Brady Law will sunset. And while NICS will allow access to a fuller set of records, a permanent waiting period will allow law enforcement officers to check additional, non-computerized records, as well as provide a cooling-off time for handgun purchases. We believe that local law enforcement officials know best who in their community can or can't legally own a gun, and that they are uniquely positioned to provide the last, best check before a handgun purchase goes through.

Q. Can you give us more detail on the Schumer/Durbin waiting period legislation?

A. Representative Schumer and Senator Durbin introduced legislation applying to all states to which the Brady Law now applies that will:

- (1) Require a minimum 3-day waiting period for all handgun purchases.** Under current law, Brady's automatic waiting period will expire when the "instant check" system goes into effect. Schumer/Durbin legislation establishes a minimum wait time, even if all NICS background check is completed well beforehand. The minimum wait period will give local law enforcement additional time to review other local records that may not be found in the NICS, helping to ensure that prohibited gun sales are not completed. It also will provide a cooling-off period for handgun purchasers.
- (2) Add up to an additional two days to the waiting period if law enforcement officers need more time to clarify arrest records.** Current law provides that when NICS takes effect, law enforcement officials will have three days to determine whether

an arrest, revealed by the "instant check" system, resulted in a conviction that disqualifies the prospective purchaser from owning a gun. The Schumer-Durbin bill will add another two days to this period, making sure law enforcement has enough time to get the information they need to make a final decision.

- (3) Require gun dealers to notify the local law enforcement official in the purchaser's place of residence prior to selling the gun. Under current law, after November 30, 1998, guns dealers will no longer have to forward the names and addresses of prospective gun purchasers to designated local law enforcement officials -- only to the FBI or a NICS point of contact. The Schumer-Durbin bill requires gun dealers to keep notifying designated local law enforcement officials of handgun purchases.

Q. Why are certain states exempt from Brady? What states are these?

- A. States may be exempted from the Brady Law if they have a qualifying alternative permit system or a state "instant check" system -- both of which require background checks. Currently, 27 states are exempt from Brady's requirements -- including 9 that were originally subject to the Brady Law, but which later enacted Brady-qualifying state systems.

The states exempt from Brady are: California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oregon, Tennessee, Utah, Virginia, Washington, and Wisconsin.

Q. Didn't the Supreme Court overturn Brady's requirements? Doesn't this decision affect your ability to impose a new waiting period?

- A. Last year's Supreme Court decision left the majority of the Brady Handgun Control Act - including the waiting period provision -- intact. The Supreme Court ruled that the Federal government cannot require local police departments to conduct background checks, but left intact the 5-day waiting period. In addition, nothing in the decision prohibits law enforcement from voluntarily enforcing the Brady Law checks. As we expected, after the Supreme Court's decision, the vast majority -- over 90% -- of the nation's law enforcement agencies continued to conduct background checks on handgun purchasers. They did this because it is a common sense and good law enforcement -- not because it was required. The Schumer-Durbin legislation is consistent with the Court's decision and does not require state and local law enforcement to do background checks.

Q. Isn't there a difference between the current waiting period and what you're proposing today? Why this change?

A. Currently, Brady allows up to 5 days to conduct a background check in states without permit systems. This provision will expire when NICS is implemented, leaving only a provision that enables law enforcement to hold up a handgun purchase for three days when a background check reveals a prior arrest. Under the Brady extension legislation proposed by Senator Durbin and Rep. Schumer, there will be an automatic 3-day waiting period, and law enforcement officers can take another two days if they need to clarify an arrest record. This minimum 3-day and expanded 5-day waiting period ensures that law enforcement will have the time it needs to check all available records, which also provides a cooling-off time for handgun purchases.

Q. How many and which states currently have their own waiting periods?

A. According to a 1996 Justice Department survey, 11 states have waiting periods pursuant to their own laws. These waiting periods vary in duration and may apply to different types of firearms. The states with waiting periods are: Alabama, California, Hawaii, Indiana, Iowa, Kentucky, New Jersey, Pennsylvania, Rhode Island, South Dakota, and Washington.

Anti-Brady Senate Amendment

Q. What are the Congressional efforts to “gut” Brady that the President referred to in his remarks?

A. A recent amendment to the Senate Commerce-Justice-State appropriations bill would undermine implementation of the NICS. The Administration strongly opposes this anti-Brady amendment. Specifically, the Senate amendment does the following three things:

- 1) Prohibits the FBI from charging gun dealers a fee for background checks even though the FBI currently charges school districts, day care providers, and many others for similar background checks. States and local law enforcement agencies generally charge dealers for the costs of background checks they complete. Without these resources, the FBI will either have to forego processing millions of background checks, or transfer resources and personnel from other crime fighting efforts.
- (2) Requires FBI to immediately destroy certain records obtained from clean background checks, substantially undercutting the reliability of the background check process by making it impossible to catch fraudulent submissions. The FBI does intend to destroy such records, but after a reasonable period that allows them to audit their records to protect against fraud.
- (3) Establishes a federal right to sue if records are not immediately destroyed. Creating a federal cause of action with punitive damages for any person aggrieved

by the provisions of this amendment is -- pure and simple -- just another attempt to undermine the operation of the NICS.

Concealed Weapons Legislation

Q: What is the Administration's position on the concealed weapons legislation that passed out of the House Judiciary Committee this week?

A: There may be good reasons to allow retired and current police officers to carry their weapons on an interstate basis, and we intend to consult the law enforcement organizations and others on this issue. However, as we understand it, the bill's current language also allows the increasing number of persons with state permits to carry concealed weapon to similarly carry these weapons into other states. Frankly, we do not think that it is a good idea -- before the Brady Law is made permanent, and before the NICS system is implemented -- to allow millions of persons to carry concealed weapons throughout the country.

/

White House Briefing for Brady Extension Event
August 6, 1998

- At today's event with Jim and Sarah Brady and representatives from law enforcement, the President made two key announcements: (1) he urged Congress to extend the Brady waiting period before it expires on November 30, 1998; and (2) he strongly opposed efforts by certain members of Congress -- with the strong support of the gun lobby -- to sabotage final implementation of Brady's National Instant Background Check System. But before I touch on these two issues, let me first provide you with some background.

Brady Background

- **Just the Facts.** As you know, since the Brady Law went into effect on February 28, 1994, designated Chief Law Enforcement Officials from so-called Brady states have had up to 5 days to conduct background checks on all prospective handgun purchasers. During these 5 days, if law enforcement officials turned up any disqualifying information under state, local or federal laws, the transfer of a handgun could be stopped. Federal law (U.S.C. Title 18, Section 922 (g) or (n)) generally prohibits anyone from owning a firearms if they are: (1) convicted felons; (2) fugitives from justice; (3) unlawful drug users; (4) adjudicated "mental defectives"; (5) illegal aliens; (6) military dishonorable discharges; (7) persons who have renounced their citizenship; (8) person subject to domestic violence restraining orders; and (9) persons convicted of misdemeanor crimes of domestic violence.
- **Brady vs. Non-Brady States.** Initially, 32 states were subject to the Brady waiting period and background check. Since then, 9 additional states have implemented permit or background check systems that exempt them from Brady's requirements. Thus, 23 states continue to be subject to the Brady Law today.
- **Brady Sunset.** As of November 30, 1998, however, the 5-day waiting period will expire, and will be replaced by the National Instant Criminal Background Check System -- or the NICS, as it is commonly referred to. Additionally, at this time, **all** firearms -- not just handguns -- will be subject to background checks under the NICS. This will require 18 of the 27 non-Brady states to either do state background checks on long guns or refer these checks to the NICS.
- **The National Instant Criminal Background Check System (NICS).** Developed by the Justice and Treasury Departments over the past 5 years, the NICS is a computerized background check system designed to respond within a matter of seconds to most background check inquiries. Three main databases will be accessed by NICS for background check information: (1) the National Crime Information Center (or NCIC), which contains records on all fugitives, the Secret Service's Protective File, and the Deported Felons file; (2) the Interstate Identification Index (or Triple I), which contains automated criminal history records; and (3) a newly created NICS index, which contains information on drug users, mentally unstable persons, illegal aliens and others.

Here is how the system will generally work:

1. Initial Check. Federal gun dealers will be required to submit the name, date of birth, state of residence and other identifying information to the FBI's NICS Operation Center or an FBI-appointed point of contact. The FBI or state point of contact will make the NICS check and determines whether any matching record indicates that the purchaser is disqualified from possessing a firearm under state or federal law. Where a state point of contact initiates the check, state and local records will also be consulted.

2. Initial Response. If a matching record is found by the NICS, the gun dealer will be notified that the application is "denied." If no match is found, the gun dealer will be instructed to "proceed." And if additional record analysis is required, the gun dealer will be told that the application is "delayed." In these circumstances, law enforcement can take up to 3 days to determine whether or not the prospective purchaser can legally purchase a firearm.

3. Fee-based System. To operate this system of checks, the Justice Department intends to charge gun dealers a user fee of about \$15 -- as it currently does with child care providers, school districts and others for whom it conducts checks.

- **Improved Access to Records.** One final and important note: since 1993, we have spent \$200 million to help states improve the accessibility of criminal history records and to maximize the effectiveness of the NICS. As a result, 9 million of the most current and most important criminal history records required for the NICS have been automated during this period. In fact, the Bureau of Justice Statistics estimates that, on average, 42 million of the 57 million state and federal criminal history records in the U.S. -- or about 73% -- would be accessible if a handgun purchase background check were performed today. Nonetheless, we are continuing to work to automate even more records, to improve information sharing with states, and to include additional records of persons in other prohibited categories -- such as drugs users, stalkers, and the mentally unstable.

Making the Waiting Period Permanent

- With respect to the President's calling for an extension of the waiting period today, there are 2 important reasons for this: (1) to preserve a critical law enforcement tool; (2) to provide for a "cooling off" period prior to the sale of a handgun.
- **State and Local Law Enforcement Knows Best.** First and foremost, the President wants to preserve the ability of local law enforcement officials to check their records -- including those that have not been computerized -- before a handgun purchase goes through. While NICS will improve access to many records and shorten the time required to do a background check -- to mere seconds in most cases -- it will no longer require gun dealers to notify designated local law enforcement officials of proposed handgun purchases in their jurisdiction. New legislation is required to keep local law enforcement

in the loop and to give them the time they need to act. This is especially important since certain records -- such as information on restraining orders for stalking or domestic violence misdemeanors -- will take more time to have included in the NICS and may be readily available locally.

- **“Cooling Off” for Handguns.** Additionally, the expiration of the current waiting period precludes the “cooling off” impact of the Brady Law. While current law only provides for a waiting period of “up to 5 days,” the decentralized nature of the current system -- with background checks being conducted by some 5,400 law enforcement agencies -- ensures that prospective handgun purchasers can not necessarily expect to receive their handguns right away. Under NICS, however, the vast majority of handgun purchasers can expect to be approved or denied almost immediately. Thus, new legislation is required to provide for any type of waiting period after November 30th.
- **The Schumer-Durbin Bill.** The Brady extension bill recently introduced by Representative Schumer and Senator Durbin addresses both of these issues and is supported by the President. In brief, the Schumer-Durbin bill would:
 - (1) Require a minimum 3-day waiting period for all handgun purchases, even if the NICS background check is completed well beforehand. This will give local law enforcement additional time to review other local records that may not be found in the NICS, as well as restore Brady’s “cooling off” effect..
 - (2) Add up to an additional two days to the waiting period if law enforcement officers need more time to clarify arrest records. Under the NICS, law enforcement will be allowed up to 3 days to complete a background check if more time is necessary to determine whether an arrest resulted in a conviction that disqualifies the prospective purchaser from owning a gun. The Schumer-Durbin bill extends this period to 5 days, giving law enforcement even more time to get the information it needs to make an accurate decision.
 - (3) Require gun dealers to notify the local law enforcement official in the purchaser’s place of residence prior to selling the gun. When the NICS takes effect, gun dealers will no longer have to forward the names and addresses of prospective gun purchasers to the existing network of 5,400 law enforcement officials that have already stopped tens of thousands of prohibited handgun purchases each year. The Schumer-Durbin bill requires gun dealers to keep these local law enforcement officials informed about local handgun purchases.

Defending Brady from the Gun Lobby

- Finally, the President expressed his strong opposition to an amendment that Senator Smith of New Hampshire has attached to the Justice Department’s appropriations bill. This amendment -- inspired and promoted by the gun lobby -- would fundamentally undermine implementation of the NICS system that was originally promoted by the NRA.

Republicans Supported Brady Bill Passage

"I am going to say it in clear, unmistakable language: I support the Brady bill and I urge the Congress to enact it without further delay. With the right to bear arms comes a great responsibility to use caution and common sense on handgun purchases."

--Former President Ronald Reagan
Associated Press, 3/28/91

56 House Republicans Voted For Passage Of Brady Bill.

56 House Republicans voted for passage of the Brady Bill conference report on November 23, 1993. [CQ Almanac, 1993, (House Vote #614)]

→ Republican Rep. Henry Hyde Said He Sees "A Lot Right" With Brady Bill Approach.

House Judiciary Chairman Henry Hyde (R-IL) on the Brady Bill in 1993: *"I see nothing wrong and a lot right with the Brady Bill approach."* [Chicago Tribune, 6/8/93]

→ Republican Rep. Sherwood Boehlert Said Support For Brady Bill Is Based On A

"Common Sense Belief." Rep. Sherwood Boehlert (R-NY) on the Brady Bill: *"My support for the Brady bill is not based on emotion or pressure but on my common sense belief that it will help somewhat to keep handguns from criminals and mentally unstable people who want the guns for criminal acts."* [Gannett News Service, 5/7/91]

→ Republican Rep. James Sensenbrenner Called Brady Bill An "Important Step."

According to Representative James Sensenbrenner (R-WI), the Brady Bill *"is an important step in keeping guns out of the hands of those who cannot legally own them."* [Reuters North American Wire, 11/4/93]

16 Republican Senators Voted For Brady Bill.

16 Republican Senators voted for passage of the Brady Bill on November 20, 1993. The conference report was passed by voice vote on November 24. [CQ Almanac, 1993, (Senate Vote #394)]

→ Republican Sen. Strom Thurmond Called Waiting Requirement In Brady Bill

"Reasonable." Senate President Pro-Tempore Strom Thurmond (R-SC) on the Brady Bill: *"I've been contacted by many law enforcement officials who have voiced strong support for this legislation...It is my belief that it will be reasonable to have a five-day waiting requirement for the short interim period that is needed to establish a national instant check system."* [States News Service, 11/22/93]

→ Republican Sen. Chafee Said He Has "Never Felt" Opposing Brady Bill Is Beneficial To Republicans. Senator John Chafee (R-RI) on Republican opposition to the Brady Bill: *"I have never felt that this was an issue that was beneficial to Republicans. I don't like headlines that say 'Republicans kill Brady Bill.'"* [Washington Times, 11/23/93]

Republican Sen. Jeffords Said He "Can Do No Less" For Law Enforcement Than Give Brady Bill His Vote. Senator James Jeffords (R-CT) on the Brady Bill: *"Law enforcement organizations throughout Vermont and across the nation have given their support to the Brady bill, and I can do no less for them than to give this measure my vote."* [Gannett News Service, 11/23/93]

STATE-BY-STATE IMPACT OF BRADY EXTENSION

In the 23 Brady States

- Twenty-three states are now required to comply with the Brady Law's five-day waiting period and background check. These states are: Alabama, Alaska, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Maine, Mississippi, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Texas, Vermont, West Virginia, Wyoming
- **Brady II Impact:** If the Schumer-Durbin were to pass, gun dealers in these states would be subject to a minimum 3-day waiting period before the sale of a handgun, a NICS background check before the sale of all firearms (and which in certain instances could take as long as 5 days), and they would be required to notify the chief law enforcement official from a handgun purchaser's place of residence.

In 9 of the Non-Brady States with Comprehensive Background Checks

- Only 9 of the 27 Non-Brady states require background checks for all firearms purchasers. These include:
 - California, with a 10-day waiting period and background check;
 - Connecticut, with a permit to purchase system and 14-day waiting period;
 - Florida, with an instant check on all firearms and a 3-day waiting period for handgun purchasers;
 - Hawaii, with a permit system for all firearms;
 - Illinois, with a Firearm Owners Identification Card required for all firearms;
 - Massachusetts, with a Firearms Identification Card for all firearm purchasers;
 - New Jersey, with a permit required for all firearms purchasers;
 - Tennessee, with a permit system that will change to a state instant check on all firearms effective as of November 30, 1998; and
 - Virginia, with an instant check on all firearms;
- **Brady II Impact:** All of these states would be exempt from the requirements of the Schumer-Durbin legislation

In 18 of the Non-Brady States with Background Checks Only for Handguns

- Fully 18 of the 27 states that are currently exempt from the Brady Law's requirements only conduct background check on handgun purchasers. These states are:
 - Delaware, with an instant check on handgun purchases;
 - Georgia, with an instant check on handgun purchases;
 - Idaho, with an instant check on handgun purchases;
 - Indiana, with a 7-day waiting period and background check for handguns -- but

which will switch to a state instant check on handguns as of November 30, 1998;

Iowa, with a permit to purchase for handguns;

Maryland, with a background check and 7-day waiting period for regulated firearms (handguns/assault weapons);

Michigan, with a permit to purchase for handguns;

Minnesota, with a permit to purchase for handguns and assault weapons (7-day waiting period);

Missouri, with a permit to purchase for handguns (7-day waiting period);

Nebraska, with a permit and/or state instant check on handguns (with up to 2 days to process the permit);

New Hampshire, with an instant check on handgun purchases;

New York, with permit to purchase for handguns (up to 6 months to process permit);

North Carolina, with a permit to purchase for handguns (up to days to process permit);

Oregon, with an instant check on handgun purchases;

Pennsylvania, with an instant check on handgun purchases;

Utah, with an instant check on handgun purchases;

Washington, with a five-day waiting period and background check for handgun purchases;

Wisconsin, with an instant check on handguns with waiting period.

- **Impact of Brady II:** Generally, gun dealers in these states would be exempt from the minimum 3-day waiting period in the Schumer-Durbin bill, and they would not be required to notify the chief law enforcement official from a handgun purchaser's place of residence. However, consistent with the current Brady Law, gun dealers in these states would need to conduct a NICS background check before the sale of all long guns, and under the Schumer-Durbin bill this process could take 2 more days (or a total of 5 days) in some instances.

The Real Story Regarding Current Brady Attacks

They're Trying to Kill the Brady Law

- Despite its proven effectiveness, the gun lobby has launched a full scale effort to sabotage the Brady Law when the FBI takes responsibility for Brady background checks in November of this year. Two changes have been proposed which, if adopted, would effectively kill the Brady Law.

Not Permitting The FBI To Charge A Fee Would Help Kill The Brady Law

- While they lack the votes to directly repeal the Brady Law, the gun lobby has convinced some members of Congress to deny the FBI the money it needs to conduct background checks on gun buyers.
- Starting in November, the Brady Law will require the FBI to take over from state and local law enforcement agencies the processing of around 7 million requests for gun purchaser background checks annually. This new responsibility will require the FBI to deploy over 800 people conducting tens of thousands of gun purchaser background checks each day of the year at an annual cost of around \$100 million. Without the funds to cover these costs, the FBI will be unable to conduct the checks which keep guns out of the hand of felons, fugitives and other dangerous persons.
- School districts, day care centers, charities and other organizations that seek background checks on prospective teachers, child care workers, school bus drivers and other employees all pay the FBI a fee to cover the costs of those checks. Background check fees have been the primary funding source for Brady background checks conducted by state and local law enforcement officials over the last four years. Now, just four months before the FBI takes over responsibility for Brady background checks, the gun lobby wants to change the rules to give gun purchasers a special exemption from background check fees. A special exemption for background checks fee for gun purchasers would deny the FBI the money necessary to conduct gun purchaser background checks.
- Some have suggested that the Congress could provide the FBI the funds necessary to cover its costs in this area, *but no funds have been identified to meet this need.* In addition, because of the way the Brady law works, if its costs are covered by a direct appropriation rather than a fee, the FBI will have to handle background checks which would otherwise have been done by the states, and its personnel and other costs will increase accordingly. *There is no indication that the Congress is really going to cover the FBI's operating costs with a direct appropriation, so if the fee is killed, Brady background checks have effectively been killed.*

Not Permitting The FBI To Keep Certain Records Would Help Kill The Brady Law

- The gun lobby also wants to sabotage the effectiveness of the computer system which will handle Brady background checks by making it impossible to prevent fraudulent submissions to the system from being caught.
- The gun lobby wants to force the FBI to immediately destroy records of those background checks which come back clean. Such a requirement would substantially undercut the reliability of the background check process. If the FBI is forced to immediately destroy records of the name the gun dealer sends in for a check, there will be no way for the FBI to audit its records to determine if false names are being submitted by a gun dealer. Furthermore, there will be no way to check whether gun dealers are running background checks for legitimate or illegitimate reasons.
- Forcing the FBI to destroy records necessary to the effective operation of the background check system (and necessary to preserving the privacy of those in the system) is merely another thinly veiled attempt to gut the Brady Law.

**STATE WAITING PERIODS UNDER INTERIM BRADY PROVISION
IN BRADY AND BRADY-ALTERNATIVE STATES**

STATE	INTERIM BRADY WAITING PERIOD
Alabama	48-hour waiting period for handguns
California	15-day waiting period
Hawaii	14-day waiting period
Indiana	7-day waiting period
Iowa	3-day minimum waiting period
Kentucky	5-day waiting period
New Jersey	7-day waiting period
Pennsylvania	48-hour waiting period
Rhode Island	7-day waiting period
South Dakota	2-day waiting period
Washington	5-business day waiting period

Source: Bureau of Justice Statistics, SURVEY OF STATE PROCEDURES RELATED TO FIREARM SALES (1996)

Brady Event Q & A

Q. What is Treasury/ATF's role in phase two of Brady law implementation?

A. Treasury/ATF will be issuing regulations to implement the requirements of the Brady law. These regulations will require licensees to contact NICS prior to making a transfer of a firearm to an unlicensed individual. The regulations also set forth the types of State permits that will be acceptable alternatives to a NICS check at the time of transfer. ATF will be revising its Form 4473 to incorporate the requirements of permanent Brady. ATF will also inspect licensed firearms dealers to ensure that they comply with Brady. Finally, ATF will investigate criminal violations of the Brady law.

Q. How does that differ from Treasury/ATF's role in phase one of Brady law implementation?

A. Our role in phase two is similar to our role in phase one, i.e., enforcing compliance with the Brady law.

Q. What remains to be done to implement phase two of the Brady law?

A. Final regulations to implement phase two of the Brady law will be issued by ATF in the fall. Licensees will receive a packet of information advising them how to comply with the requirements of phase two. This will include new forms. We will continue to meet with the FBI and the States to coordinate implementation of the new law.

Q. What is different about phase two of the Brady law?

A. The permanent provisions of the Brady law will apply to all firearms, not just handguns. There will be no five-day waiting period mandated by law; instead, firearms licensees will contact the National Instant Criminal Background Check System (NICS) for an instant records check. The NICS will have three business days to complete the records check. Furthermore, while Chief Law Enforcement Officers under the interim provisions of the Brady law generally had access only to criminal records, more information will be available under NICS (for example, dishonorable discharges

from the Armed Forces, and records of people who have renounced their United States citizenship).

Q. Did phase one of the Brady law include a "waiting period?"

A. Phase one of the Brady law imposed a national five-day waiting period on the transfer of handguns, unless the licensee heard earlier from the CLEO that the purchaser was not prohibited from buying firearms. Licensees in States subject to one of the alternate records check provisions of the Brady law (e.g., permits, "instant checks") were not subject to the waiting period requirements of interim Brady.

Q. Does phase two as currently enacted provide for a "waiting period?"

A. Phase two of the Brady law requires that licensees contact the NICS for an instant background check; however, the licensee may have to wait up to three business days for the check to be conducted.

Q. What does the Schumer-Durbin bill provide that you are endorsing today?

A. The bill would extend the period of time for the FBI to complete a background check from three to five days. The legislation would also impose a three-day waiting period on the transfer of handguns, subject to certain exceptions. The bill would also require licensees to contact the Chief Law Enforcement Officer of the purchaser's place of residence prior to transferring the firearm.

Q. How many states currently have waiting periods under state law? What is the range of these periods? (State by state if available).

A. At least eight States require some type of waiting period. For example, Maryland has a 7-day waiting period for handguns and assault weapons; Illinois requires a 24-hour wait for long guns and a 72-hour wait for handguns; Washington has a 5-day waiting period for handguns; California requires a 10-day waiting period for all firearms; Florida has a 3-day waiting period for handguns; Alabama has a 48-hour waiting period for pistols; Tennessee

has a 15-day waiting period for handguns; and Indiana requires a 7-day waiting period for handguns.

Q. How big an impact do you think background checks on long gun purchasers will have?

A. Long guns are the source of a significant number of trace requests by law enforcement officials, requests that are made when a firearm is associated with a crime or suspected of being associated with a crime. Out of a total of 330,297 trace requests received by ATF's National Tracing Center since 1996, 101,442 of them were for long guns, including rifles and shotguns. Two firearms on the top ten most frequently traced firearms list are long guns, the Norinco 762 rifle and the Mossberg 12 gauge shotgun. We expect that where crimes are involved, at least some of the crimes will be with guns purchased by prohibited persons. Therefore, we think this is a positive measure that will be helpful in denying criminals access to firearms.

Q. Why should there be background checks on owners who are redeeming their own firearms from pawn?

A. Phase one of Brady included a statutory exemption for any licensee returning a handgun to the person from whom it was received. This exemption included the redemption of handguns from pawn. Phase two of Brady does not include such an exemption; accordingly, these transfers are subject to the requirement for a NICS check. When a prohibited person does attempt to redeem a firearm from pawn, law enforcement officials have an opportunity to prevent further possession by a prohibited person. Furthermore, through a survey of gun stores and pawnshops that ATF is presently conducting, we are learning that prohibited persons are in fact taking advantage of the exemption in the 1994 law, and redeeming firearms from pawn despite their prohibited status. In fact, persons redeeming firearms from pawn are much more likely to be prohibited than persons purchasing firearms from dealers.

**Q+A on the Senate Amendment Prohibiting Both Brady User Fees and Retention of
Certain Records**

- Q. The Senate recently adopted an amendment to the Commerce, Justice, State appropriations bill which prohibits the FBI from charging a fee for NICS checks and from retaining certain records. How will this amendment affect implementation of the National Instant Check System?
- A. This amendment represents a full scale effort to sabotage the Brady Law when the FBI takes responsibility for Brady background checks in November of this year. The two changes which have been proposed, if adopted, would effectively kill the Brady Law.
- Q. Why does the FBI need a user fee to implement the Brady Law?
- A. Starting in November, the Brady Law will require the FBI to take over from state and local law enforcement agencies the processing of around 7 million requests for gun purchaser background checks annually. This new responsibility will require the FBI to deploy over 800 people conducting tens of thousands of gun purchaser background checks each day of the year at an annual cost of around \$100 million. Without the funds to cover these costs, the FBI will be unable to conduct the checks which keep guns out of the hand of felons, fugitives and other dangerous persons.
- Q. Why couldn't the Congress simply provide the FBI the funds necessary to cover its cost in this area?
- A. Although some have suggested that the Congress could provide the FBI the funds necessary to cover its costs in this area, *no funds have been identified to meet this need. There is no indication that the Congress is really going to cover the FBI's operating costs with a direct appropriation, so if the fee is killed, Brady background checks have effectively been killed.*
- Q. What records does the amendment prevent the FBI from keeping?
- A. The gun lobby wants to force the FBI to immediately destroy records of those background checks which come back clean. Such a requirement would substantially undercut the reliability of the background check process.
- Q. Why does the FBI need to retain those records?
- A. Let me be clear. The FBI does intend to destroy those records; they simply seek to do so after a reasonable period of time. If the FBI is forced to immediately destroy records of the names the gun dealer sends in for a check (whether the result comes back clean or dirty), there will be no way for the FBI to audit their records to determine if a false names are being submitted by a gun dealer. Furthermore, there will be no way to check whether gun dealers are running background checks for legitimate or illegitimate reasons. Forcing the



Office of Justice Programs **NEWS**

FOR IMMEDIATE RELEASE
Friday, October 9, 1998

BJS
202/307-0703

PRESIDENT CLINTON ANNOUNCES OVER \$41 MILLION TO STOP VIOLENT CRIMINALS FROM PURCHASING FIREARMS

Grants Will Improve Criminal History Records Vital to National Check System

WASHINGTON, D.C. -- At the White House today, President Clinton announced that 46 states are receiving grants totaling more than \$41 million to continue improving criminal history records, which will help keep felons from purchasing handguns. This is the fourth year of funding under the National Criminal History Improvement Program (NCHIP), administered by the Justice Department's Bureau of Justice Statistics (BJS).

"Too many violent criminals are able to buy firearms and commit crimes within hours of the purchase," said President Clinton. "These grants will allow states to continue improving their criminal history records and share them--to ensure that firearms do not end up in the wrong hands."

In June of this year, BJS reported that an estimated 69,000 handgun sales were blocked during 1997 through presale background checks. About 62 percent of the 1997 rejections were based on a prior felony conviction or a current felony indictment. Between the effective date of

(MORE)

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Office of Juvenile Justice and Delinquency Prevention • Office for Victims of Crime**

the Brady Handgun Violence Prevention Act in February 1994 and December 31, 1997, there were an estimated 242,000 potential purchases stopped because of background checks, according to BJS.

One of the primary reasons states are receiving these funds is so criminal records can be shared nationally through the National Instant Criminal Background Check System (NICS), which is being developed by the FBI and will be operational next month. NICS will enable firearms dealers to obtain instant background checks in connection with sales to keep criminals from purchasing guns.

The criminal history records are also vital for keeping individuals who are dangerous to others from getting jobs where they have access to children, the elderly or disabled individuals. Accurate and accessible records also help courts avoid granting bail to individuals who may pose a danger to the community and also permit law enforcement officials to know if individuals questioned or detained have criminal histories.

"Accurate and accessible criminal records help keep communities safe," said Attorney General Janet Reno. "More complete criminal histories can help police and prosecutors keep dangerous criminals off the streets."

Criminal history records are fingerprint cards or their electronic counterparts, linked with information about arrests, convictions and sentences, when available. NCHIP funds are used to modernize criminal history records systems, including automated fingerprint identification. In addition to making general improvements, states may use NCHIP funds to develop record systems to better protect victims of stalking, domestic violence and child abuse by exchanging records of protection orders as well as convictions.

(MORE)

Every state that applied for a Fiscal Year 1998 NCHIP grant is receiving one. The attached chart includes the amount of each award, the agency within the state that will receive the funds and a state contact. Kentucky, Maryland, Mississippi and Nevada will receive grants later this year. The District of Columbia did not apply for FY 1998 NCHIP funds; however, it received NCHIP funds in previous years.

The awards being announced today bring the total amount distributed in direct awards to states under NCHIP to over \$200 million. The President has requested \$45 million for NCHIP in Fiscal Year 1999.

For additional information about BJS and its programs, go to the BJS web site at:

<http://www.ojp.usdoj.gov/bjs>

For additional information about OJP and its programs, go to the OJP web site at:

<http://www.ojp.usdoj.gov>

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BJS 98-209

After hours page Doug Johnson at 1-888/582-6750

**OFFICE OF JUSTICE PROGRAMS
BUREAU OF JUSTICE STATISTICS
NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP)**

RECIPIENT	RECIPIENT AGENCY	STATE CONTACT	FY 98 AWARD	TOTAL NCHIP FUNDS TO DATE
Alabama	Criminal Justice Information Center, Montgomery, AL	Therese Ford, 334/242-4900	\$357,720	\$2,258,819
Alaska	Department of Public Safety, Anchorage, AK	Diane Schenker, 907/269-5092	\$540,000	\$2,321,318
Arizona	Criminal Justice Commission, Phoenix, AZ	Gerald E. Hardt, 602/542-1928	\$719,997	\$3,049,144
Arkansas	Crime Information Center, Little Rock, AR	Larry Cockrell, 501/682-2222	\$540,000	\$2,213,996
California	Department of Justice, Bureau of Criminal Identification and Information, Sacramento, CA	Gary Maggy, 916/227-3844	\$3,950,000	\$17,825,542
Colorado	Department of Public Safety, Division of Criminal Justice, Denver, CO	John Immann, 303/239-4470	\$1,063,945	\$2,810,359
Connecticut	Office of Policy and Management, Hartford, CT	Theron A. Schnure, 860/418-6390	\$643,777	\$3,047,968
Delaware	State Bureau of Identification, Division of State Police, Dover, DE	Capt. David Deputy, 302/739-5872	\$451,350	\$2,352,369
District of Columbia	Metropolitan Police Department, Washington, DC	Deborah L. Wright, 202/727-4301	Did not apply	\$1,248,676
Florida	Department of Community Affairs, Tallahassee, FL	Clayton Wilder, 904/488-8016	\$1,138,820	\$6,366,986
Georgia	Crime Information Center, Decatur, GA	Bill Holland, 404/244-2775	\$995,000	\$3,794,910
Hawaii	Criminal Justice Data Center, Honolulu, HI	Liane Moriyama, 808/587-3110	\$500,000	\$2,047,125
Idaho	Department of Law Enforcement, Meridian, ID	Robert Taylor, 208/884-7133	\$206,000	\$1,141,000

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**OFFICE OF JUSTICE PROGRAMS
BUREAU OF JUSTICE STATISTICS
NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP)**

RECIPIENT	RECIPIENT AGENCY	STATE CONTACT	FY 98 AWARD	TOTAL NCHIP FUNDS TO DATE
Illinois	Criminal Justice Information Authority, Chicago, IL	Candice Kane, 312/793-8550	\$1,690,000	\$8,392,000
Indiana	Criminal Justice Institute, Indianapolis, IN	Kevin Sifferlen, 317/232-1233	\$880,000	\$4,242,273
Iowa	Department of Public Safety, Des Moines, IA	Tim McDonald, 515/281-5138	\$153,044	\$2,120,093
Kansas	Criminal Justice Coordinating Council, Topeka, KS	Barbara Tombs, 913/296-0923	\$475,000	\$2,362,000
Kentucky	Justice Cabinet, Frankfort, KY	Mike Fulkerson, 502/564-3251	To be awarded	\$2,165,000
Louisiana	Commission on Law Enforcement and the Administration of Criminal Justice, Baton Rouge, LA	Carle Jackson, 504/925-4429	\$512,435	\$2,566,396
Maine	Bureau of State Police, Augusta, ME	Maj. Jeffrey Harmon, 207/624-7062	\$510,000	\$3,491,500
Maryland	Department of Public Safety and Correctional Services, Pikesville, MD	Barbara King, 410/764-4200	To be awarded	\$2,860,000
Massachusetts	Committee on Criminal Justice, Boston, MA	Richard St. Louis, 617/727-6300	\$1,350,000	\$6,575,250
Michigan	Department of State Police, Lansing, MI	David Turner, 517/322-1424	\$1,270,000	\$5,660,874
Minnesota	Bureau of Criminal Apprehension, St. Paul, MN	Karen McDonald, 612/642-0687	\$480,000	\$3,270,360
Mississippi	Department of Public Safety, Jackson, MS	Jimmy Dukes, 601/933-2600	To be awarded	\$2,339,442
Missouri	State Highway Patrol, Jefferson City, MO	Lt. Robert E. Gartner, 573/526-6160	\$570,439	\$3,741,122
Montana	Board of Crime Control, Helena, MT	Thomas Murphy, 406/444-4298	\$670,890	\$1,741,383
Nebraska	State Patrol, Lincoln, NE	Lathan Rohren, 402/479-4938	\$652,155	\$2,347,485

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**OFFICE OF JUSTICE PROGRAMS
BUREAU OF JUSTICE STATISTICS
NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP)**

RECIPIENT	RECIPIENT AGENCY	STATE CONTACT	FY 98 AWARD	TOTAL NCHIP FUNDS TO DATE
Nevada	Department of Motor Vehicles and Public Safety, Carson City, NV	Dennis A. DeBacco, 702/687-8784	To be awarded	\$1,265,000
New Hampshire	Office of the Attorney General, Concord, NH	Mark C. Thompson, 603/271-3658	\$659,200	\$2,836,713
New Jersey	Department of Law and Public Safety, Trenton, NJ	Steven C. Talpas, 609/984-0634	\$829,026	\$4,882,748
New Mexico	Department of Public Safety, Santa Fe, NM	Irene Trujillo, 505/827-9185	\$499,521	\$3,644,992
New York	Integrated Systems Development Unit, Division of Criminal Justice Services, Albany, NY	James F. Shea, 518/457-6075	\$2,850,000	\$14,021,095
North Carolina	Governor's Crime Commission, Raleigh, NC	David E. Jones, 919/571-4736	\$612,260	\$3,761,715
North Dakota	Bureau of Criminal Investigation, Bismarck, ND	Robert J. Helten, 701/328-5500	\$480,000	\$2,193,913
Ohio	Office of Criminal Justice Services, Columbus, OH	Melissa J. Winesburg, 614/466-7782	\$1,340,000	\$7,126,343
Oklahoma	District Attorneys Council, Oklahoma City, OK	Gayle Caldwell, 405/557-6707	\$476,650	\$2,025,517
Oregon	Department of State Police, Salem, OR	Beverlee Venell, 503/378-3720	\$480,000	\$2,964,850
Pennsylvania	Commission on Crime and Delinquency, Harrisburg, PA	James Thomas, 717/787-2040	\$2,781,276	\$8,953,260
Puerto Rico	Criminal Justice Information Systems Office, San Juan, PR	Alfonso Golderos, 787/729-2121	\$400,000	\$400,000
Rhode Island	Governor's Justice Commission, Providence, RI	Norman Dakake, 401/277-4499	\$421,400	\$1,740,244
South Carolina	Law Enforcement Division, Columbia, SC	Maj. Mark Huguley, 803/896-7142	\$1,070,000	\$3,056,020

October 9, 1998

**OFFICE OF JUSTICE PROGRAMS
BUREAU OF JUSTICE STATISTICS
NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP)**

RECIPIENT	RECIPIENT AGENCY	STATE CONTACT	FY 98 AWARD	TOTAL NCHIP FUNDS TO DATE
South Dakota	Office of the Attorney General, Division of Criminal Investigation, Pierre, SD	Judi Schncider, 605/773-4614	\$394,950	\$1,473,300
Tennessee	Department of Finance and Administration, Nashville, TN	Patricia Dishman, 615/741-8277	\$600,000	\$3,262,155
Texas	Criminal Justice Policy Council, Austin, TX	Gene Draper, 512/463-1810	\$3,400,000	\$14,561,200
Utah	Commission on Criminal and Juvenile Justice, Salt Lake City, UT	Richard Ziebarth, 801/538-1812	\$601,695	\$2,171,054
Vermont	Department of Public Safety, Waterbury, VT	Philip Colby, 802/244-8786	\$500,091	\$3,843,836
Virginia	State Police, Richmond, VA	Lt. Col. Harry M. Durham, 804/674-4606	\$1,169,827	\$4,708,913
Washington	Office of Financial Management, Olympia, WA	Gary Robinson, 360/902-0593	\$730,000	\$3,822,682
West Virginia	Department of Military Affairs and Public Safety, Charleston, WV	Michael Cutlip, 304/558-8814	\$390,800	\$2,614,800
Wisconsin	Office of Justice Assistance, Madison, WI	Stephen Grohmann, 608/266-7185	\$790,000	\$3,656,000
Wyoming	Division of Criminal Investigation, Cheyenne, WY	James Wilson, 307/777-7523	\$130,926	\$896,264

October 9, 1998

▶ Jason H. Schechter
10/09/98 09:44:05 AM
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Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP

cc:

Subject:

**Honoring and Strengthening Our Nation's Law Enforcement
The Rose Garden, The White House
October 9, 1998**

Today, the President will honor this year's "Top Cops" -- an award given by the National Association of Police Organizations to pay tribute to law enforcement officers from across the country for service to their communities during the preceding year. This year, 34 exceptional law enforcement officers from ten jurisdictions will receive the distinguished award. At the event, President Clinton also will announce grants enabling communities to hire more police and states to improve their criminal history records.

Safer Streets: Adding Police and Halting Illegal Handgun Sales

- Meeting the President's Pledge of 100,000 More Police. The Justice Department's Office of Community Oriented Policing Services (COPS) will award \$27.4 million in grants for 151 policing agencies across the country to hire 428 officers. Today's announcement will bring the total number of officers funded under the President's COPS Initiative to over 88,500 --keeping the COPS Initiative ahead of schedule and under budget.
- Improving System of Brady Background Checks. The President will announce more than \$41 million in Justice Department grants for states to improve their criminal history records, thereby enhancing the effectiveness of the Brady Law's National Instant Criminal Background Check System (NICS). The grants, provided through the National Criminal History Improvement Program (NCHIP), are funded through the President's 1994 Crime Bill. Total grants under this program now exceed \$200 million. The President will also reiterate his opposition to efforts in Congress to undermine the effective and timely implementation of NICS which is scheduled to come on-line next month.

New Tools to Support Law Enforcement and Safe Communities

- Improving Criminal History Records and Access. The President will announce his intent to sign bipartisan legislation, introduced by Senators DeWine (R-OH) and Leahy (D-VT), to provide \$1.25 billion in federal assistance to states over five years to upgrade communications technologies and criminal justice identification systems. The bill also includes an Administration-proposed national compact on the electronic exchange of criminal history records for non-criminal justice purposes, such as employment checks on day care and elder care workers.

President Clinton: A Record of Support for Law Enforcement

- Protecting law enforcement from deadly assault weapons. Because criminals should never outgun law enforcement officers, the President's 1994 anti-crime bill banned 19 of the deadliest cop-killing assault weapons. In addition, this spring, the Treasury Department generally banned the importation of more than 50 models of modified assault weapons.
- more-
- Preventing criminals from buying handguns. In 1993, the President signed the Brady Bill. Since its passage, over 250,000 stalkers, fugitives, and felons have been prevented from buying guns. That means fewer guns on our streets and safer streets for our officers.
- Giving the police the protection they deserve. In June 1998, the President signed the Bulletproof Vest Partnership Grant Act to provide \$75 million in grants to help state and local governments defray the costs of purchasing bulletproof vests.

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Robin J. Bachman 10/09/98 01:24:31 PM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: 1998-10/09 POTUS remarks at TOP Cops event

----- Forwarded by Robin J. Bachman/WHO/EOP on 10/09/98 01:25 PM -----



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Subject: 1998-10/09 POTUS remarks at TOP Cops event

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 9, 1998

REMARKS BY THE PRESIDENT
AT NAPO TOP COPS AWARD CEREMONY

The Rose Garden

10:57 A.M. EDT

THE PRESIDENT: Tom, I accept the deal. (Laughter.) Thank you for your work, on behalf of the law enforcement officers of our country. I want to thank Bob Scully as well, the Executive Director of NAPO. Thank you, Madam Attorney General, for all the support you have given to local law enforcement for six years now. I want to thank the Top Cops, their families and their friends who are here. And I'd like to thank the members of Congress who are here, supporters of law enforcement all: Senator Robb, Congresswoman Harman, Congresswoman McCarthy, Congressman Rogan and Congressman Torres, who's here with some of his family. We're delighted to see all of you.

I'd like to say a special word of appreciation to those of you who brought your families and the children here as a clear reminder to us of what we've really come to honor today.

This July, just a mile from here in the Capitol Rotunda, I had the sad responsibility as President to honor the courage and the sacrifice of the two officers, J.J. Chestnut and Detective John Gibson, who were killed because they literally threw themselves between an assassin's bullets and innocent bystanders. They gave their lives to defend our freedom's house. The men and women we honor here today put on their badges every day, prepared to make the same kind of sacrifice in their own communities. They are true American heroes. They have done astonishing acts of humanity and heroism -- from crossing the line of fire to rescue wounded fellow officers, to confronting criminals armed with assault weapons and body armor, to nursing a seriously injured neighbor back to health, to breaking in on a person with a bomb that was partially activated and, thank God, did not go off and blow them all away. And one of these officers, shot four times himself, including twice -- once in the neck and once in the head -- maintained his consciousness enough to save the life of a cab driver when the person who shot him had a gun at his head.

These stories of all these people are literally breathtaking. I hope that the members of the media who are here today who are covering this will find the time to read the specific cases of those whom we honor today and tell their stories across America. The story of the brave officer from New Hampshire who dealt with that terrible tragedy and the story of the officers from North Hollywood, because of the volume of fire that was involved in their incident, have been told beyond the borders of their states. But all these stories deserve to be told, and I hope they will be, because we honor here today, as I say again, both the heroism and the humanity that reflect the best of good, professional law enforcement.

We owe a great debt of gratitude to our nation's police officers and for six years, we have worked, as Tom said and as the Attorney General noted, to give our law enforcement officers the tools they need to succeed at their jobs. We have worked to take back our streets from crime and violence with a comprehensive plan based on what law enforcement said we should be doing; new penalties on our books that were tough when they should be tough; efforts to help keep young people out of trouble in the first place; efforts to

keep guns out of the hands of criminals; and, most of all, efforts to put 100,000 more police on our streets.

Six years ago there were many Americans who believed that a rising crime rate was a problem that would be with us always. Today, because of efforts like those whom we honor, we have the lowest level of crime in 25 years. Respect for the law is on the rise. Our nation's law enforcement officers are at the very center of this effort. They are cracking down on gun traffickers. They are working to keep guns out of the hands of criminals. They are working with local school authorities to keep our schools safe and drug free. They are walking the beat and working with residents to prevent crime and to keep kids out of trouble in the first place.

But as all of them know, and as all of you know, this is not a problem we can afford to just congratulate ourselves on. Our country is still too violent. We still lose too many children. We still lose too many police officers.

We have to take some more steps. And today I'd like to just mention a couple. First, as Tom said so eloquently, all the cynics and the critics were wrong. These police are making a difference in our communities. We are well on our way -- we're under a budget and ahead of schedule in our efforts to put 100,000 police on the street. Today we are awarding \$30 million in new grant money to help communities hire more police. This will bring the total of police officers funded by the Crime Bill in 1994 and subsequent appropriations to more than 88,000. We are literally almost 90 percent of the way toward meeting our goal.

Second, we know what a difference the Brady background checks have made to keep illegal guns off our streets. I am pleased to say that we will give states \$40 million to help them computerize the criminal history records they use to do those background checks -- a simple procedure that has already stopped a quarter of a million fugitives and felons from purchasing guns and saves who knows how many lives. These steps will help us to give law enforcement the tools they need.

Last night Congress passed a bill by a large bipartisan margin that will build on our progress -- a bill I'll sign into law later today. It will provide states with more than \$1 billion over the next five years to modernize not only their criminal records systems, but also to upgrade their communications and criminal identification systems. It will include legislation I proposed last year at the White House Conference on Child Care the First Lady and I sponsored, to help us build a new electronic information sharing partnership with state and local law enforcement to keep our child care and our child care and our elder care systems safe.

I am pleased that Congress has taken this step to give law enforcement more tools to make a greater difference. At the same time, I have to tell you there is one thing going on in Congress that I am very, very concerned about -- an effort to undermine the very Brady Law protections that have helped to make our streets and our police safer. The legislation would deny the FBI the full funds it needs to do the most effective background checks possible, and would also impose undue administrative burdens on the FBI, threatening to bring this vitally important system to halt. When we stood with America's police officers to pass the Brady Law, it was a dramatic step forward. We cannot take an unacceptable step backward.

This law is working. And all the fears that were raised about it -- by people who said good sportsmen would lose their guns and people would be subject to unconscionable hassles -- it all turned out to be a bunch of bull. All it has done is save lives. Why are we trying to mess with something that works, that saves

lives, that makes law enforcement safer, that makes people safer? It is a terrible mistake. And I ask you all to help me stop it.

Now, this amendment was first proposed last summer, and I said then I would oppose it. So I will say again: I intend to oppose any effort to weaken the Brady Law and to put guns back into the hands of felons and fugitives. We're going in the right direction. Let's don't make that mistake again.

Think of the stories here today. Every one of you out here represents or came with somebody who is up here today. Now, you just think about how many stories there would be like the ones we're celebrating today, and we're sitting here thanking the good Lord that at least these people are alive. You think how many more stories there would be, not only to honor but to mourn, if we were to turn our back on what we've been doing for the last six years.

So I say again, the Congress has made a lot of progress. It has increasingly been bipartisan on this law enforcement issue. Let's not take a step backward.

Now, before I close, let me once again thank the Top Cops for their remarkable achievements. And again let me say, I want to thank all of you who are members of their families. In so many ways, you make these achievements possible. You share the sacrifice, and you share the fear, and sometimes you have to share the loss. We know that. Therefore, you have to provide your own special brand of courage, and for that we are also profoundly grateful.

We honor all of you -- your strength and your spirit --and from the bottom of our hearts, we thank you for what you have done to make America a better place.

Thank you very much, and God bless you. (Applause.)

END

11:08 A.M. EDT

Message Sent To:

Sample Budget Detail Worksheet

Housing and Urban Development (HUD), Labor, and Justice, as well as the Office of National Drug Control Policy, launched this effort as an outgrowth of the Interdepartmental Task Force on Violence. Through PACT, collaborating Federal government agencies foster and support the development of broad-based, fully coordinated Statewide and local initiatives to secure community safety. The current PACT sites are in Metro Atlanta, Metro Denver, Nebraska, and Washington, D.C.

Through BJA's Comprehensive Communities Program, 16 jurisdictions with high rates of crime and violence--including the four PACT sites--were awarded grants to plan comprehensive strategies to control crime and revitalize neighborhoods, including a core-component of a jurisdiction-wide community policing model. The COPS office provided \$9.9 million for this core component.

The National Citizen's Crime Prevention Campaign, funded in part by BJA, is designed to promote safer communities through a variety of crime and drug prevention activities. The National Crime Prevention Council (NCPC) administers the campaign under a BJA grant. The program includes workshops for national, State, and local technical assistance and training on a variety of topics geared toward the reduction of crime, violence, and substance abuse. The campaign also sponsors public service messages (with an ad placement value of more than \$50 million each year) urging adults and children to prevent and reduce violence. In 1995, NCPC worked with the 16 Comprehensive Communities Program sites and the four PACT sites to initiate crime prevention efforts, provide resources, assist in networking, and provide training and technical assistance.

Tribal Courts Project

The Department initiated a Tribal Courts Project, in order to develop and strengthen tribal justice systems in Indian communities through consultation and cooperation with a wide variety of organizations and individuals in tribal, State and Federal law enforcement, prosecution and judicial institutions. The Project has focused on coordinating existing departmental resources and creating new training and technical assistance opportunities for tribal justice systems. Examples of these efforts include:

- Informing the tribes about programs authorized by the VCCLEA including training of tribal justice personnel.
- Working with the Department's Office of Tribal Justice to plan and participate in the Northwest Indian Nations Conference in May 1995, at which the Attorney General met with tribal, State, and Federal judges to discuss tribal justice issues.
- Initiating the Tribal Courts-DOJ Partnership Project Program where tribal governments were invited to apply to be designated "Partnership Projects." Almost 70 tribal governments applied in the summer of 1995, and the Attorney General designated 45 in September 1995. The designation does not involve a grant of money, but the Tribal Courts Project and local U.S. Attorneys Offices will focus their training and technical assistance efforts on these 45 in recognition of their commitments to improve their justice systems.

Controlling the Proliferation of Dangerous Weapons

The National Criminal History Improvement Program (NCHIP), authorized under the VCCLEA, implements the grant provisions of the Brady Handgun Violence Prevention Act (Brady Act) and the National Child Protection Act of 1993 to assist States in automating and updating their criminal history record systems to prevent the sale of firearms to ineligible purchasers. In 1995, the Bureau of Justice Statistics (BJS) awarded approximately \$64 million to 44 States under the NCHIP program. In addition, awards totalling \$5 million were made to provide direct technical assistance to States and to evaluate the impact of the NCHIP program.

The Department made substantial progress in developing the National Instant Criminal Background Check System (NICS). The Brady Act requires that NICS become effective by November 30, 1998. The FBI is responsible for developing and maintaining NICS and has established the Brady Act Task Group (comprised of State and Federal law enforcement agencies) to make recommendations and establish preliminary requirements for the NICS system.

During 1995, the Brady Act effectively prevented persons subject to Federal or State firearm disabilities

from purchasing firearms. Nearly 300,000 firearm-related checks per month were made on FBI files. As of July 1995, these background checks had prevented an estimated 60,000 individuals who are prohibited from possessing handguns under Federal or State law -- including convicted felons, fugitives from justice, and persons subject to certain domestic violence restraining orders -- from purchasing handguns.

In 1995, the Civil Division continued to successfully defend the Brady Act against constitutional challenges in the District and Circuit Courts. The only District Court to render a decision on the Brady Act's constitutionality in 1995 upheld the Act. The Ninth Circuit, the first Court of Appeals to rule on the issue, also upheld the Brady Act, reversing two District Court decisions. Additional appeals are pending in the Second, Fifth, and Tenth Circuits. In a series of cases challenging the constitutionality of the assault weapons ban, the courts agreed with the government's position and upheld the constitutionality of the ban.

In addition to these efforts to implement the Brady Act, the Department aggressively prosecuted violators of the Federal firearms statutes. The U.S. Attorneys focused on individuals with long criminal histories or excessively violent criminal behavior, and those who sell firearms as gun runners. During 1995, over 5,000 defendants were charged with Federal firearms violations. Ninety-five percent of those sentenced during the year were sent to prison. The average sentence of incarceration was 104 months, with 588 defendants sentenced to life or more than 15 years.

Finally, through BJA's Innovative Firearms Program, the Department worked with State and local jurisdictions to develop and implement new or enhanced projects to prevent the possession and use of firearms by juveniles and control illicit firearm trafficking. In 1995, the grantees developed State and local projects related to the new Youth Handgun Safety Act that prohibits the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

Specialized Law Enforcement Assistance

During the past year the Department has made a special effort to support State and local law enforcement through assistance in training law enforcement agencies, making available to them Department technology and resources, and responding quickly to State and local needs.

Training

A number of Department components provided training to State and local law enforcement agencies in 1995. For example, the USMS trained 192 officers on court security techniques, law enforcement tactics, and basic law enforcement strategy. The USMS also trained 118 State and local officers in fugitive investigation techniques.

The DEA, as part of its assistance to State and local personnel, conducted 143 programs for 32,600 students in its Domestic Training Section in conjunction with the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia.

The FBI sponsored 57 Hate Crime Training Conferences for nearly 3,300 law enforcement personnel from 1,100 agencies, and distributed a hate crime training video to each State Uniform Crime Reporting program and requesting law enforcement agencies. In addition, the FBI trained 15,890 students at the FBI Academy, including 1,034 local, State, and international law enforcement officers who graduated from the FBI National Academy Program. More than 4,000 other local officers received training at the Academy in a number of executive, forensic, and other specialized courses.

The National Institute of Corrections (NIC) assisted State, local, and Federal corrections agencies in improving their management, operations, programs, and services. More than 34,500 executives, managers, trainers, and specialists working in adult corrections were trained.

The Law Enforcement Coordinating Committee (LECC), under the direction of each U.S. Attorney, brought together Federal, State, and local law enforcement agencies, to enhance the effectiveness of the criminal justice system. The LECC sponsored seminars to share experience and expertise, investigation and prosecution techniques, and crime information. Assistance was provided to State and local law enforcement entities, whose budgets often do not provide for in-service training or travel to training sites.



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National Criminal History Improvement Program (NCHIP)

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Program summary

The National Criminal History Improvement Program (NCHIP) is an umbrella program designed to assist States in meeting evolving Federal and State requirements concerning criminal history and related records such as protective orders and sexual offender registry records. The goal of the NCHIP program is to ensure that accurate records are available for use in law enforcement, including sex offender registry requirements, and to permit States to identify ineligible firearm purchasers, persons ineligible to hold positions involving children, the elderly, or the disabled, and persons subject to protective orders or wanted, arrested, or convicted of stalking and/or domestic violence.

Under the program, direct funding and technical assistance is provided to improve the quality, timeliness and immediate accessibility of criminal history and related records. Funds and technical assistance are also provided to support the interface between States and the national record systems, including the FBI operated National Instant Criminal Background Check System (NICS) established pursuant to the permanent provision of the Brady Handgun Violence Prevention Act, the National Sex Offender Registry (NSOR), and the National Protective Order File which facilitates compliance with Federal full faith and credit requirements. Funds are also awarded for collection of data on presale firearm background checks.

The NCHIP program is closely coordinated with the **Edward Byrne Memorial Grant Program** which requires that States must use at least 5% of their awards for the improvement of criminal justice records.

The NCHIP Program was initiated in 1995 and, to date, includes the following components:

NCHIP Core Program: The NCHIP core program was initiated in FY 1995 and awards have been made annually in Fiscal Year 1995, 1996, 1997, and 1998. Additional awards are planned in 1999.

Under the core NCHIP program, funds are awarded to assist States and eligible territories in automating and upgrading the completeness and accuracy of criminal history records. Criminal history records are records supported by fingerprint identification which show an arrest and any subsequent dispositions, such as a conviction or acquittal. Funds may also be used to support participation in the FBI's Interstate Identification Index which facilitates the interstate exchange of criminal history records for law enforcement and related purposes, such as presale firearm checks. Since its inception, the program has expanded to include allowable funding to cover costs associated with collection and flagging of records of persons convicted of stalking and domestic violence, including persons subject to, and/or convicted of, violations of protective orders. In FY 1998, the NCHIP program placed particular emphasis on ensuring that States participate in the National Instant Criminal Background Check System (NICS) which consistent with the Brady Act became operational in November 1998. Special emphasis has been placed in FY 1999 on developing and enhancing sex offender registries that feed into the FBI's National Sex Offender Registry System to ensure compliance with requirements set forth in State and

Federal legislation.

Awards under the NCHIP program are made only to the single agency designated by the Governor to administer the funds in the jurisdiction. As of the end of Fiscal Year 1998, an award had been made to every State under this program. Over \$200 Million has been awarded in direct grants to States during FY 1995, 1996 and 1997, and 1998. The appropriation for FY 1999 is \$45 Million.

**National Criminal History Improvement Program: Fiscal Year 1999
Program Announcement**, 2/99. NCJ 175033

**National Criminal History Improvement Program: Fiscal Year 1998
Program Announcement**, 5/98. NCJ 171127

**National Criminal History Improvement Program: Fiscal Year 1997
Program Announcement**, 6/97. NCJ 165589

**National Criminal History Improvement Program: Fiscal Year 1996
Program Announcement**, 5/96. NCJ 161135

**National Criminal History Improvement Program:
Program Announcement**, 12/94. NCJ 151173

Advanced State Award Program (ASAP) : The Advanced State Award Program (ASAP) is an adjunct of the core NCHIP program under which States which had already established highly developed criminal record systems and were members of the Interstate Identification Index were eligible to receive funds to review problems and develop policies and techniques to access noncriminal history record data as required under the Brady Handgun Violence Prevention Act. Awards were only made in FY 1995. Nineteen States received these awards.

Advanced State Award Program, 11/95. NCJ 157795

National Sex Offender Registry Assistance Program (NSOR-AP)

State-by-State summary

The NSOR-AP program, initiated in FY 1998, provides funds to States to assist in developing and enhancing sex offender registries which identify and contain current address information on convicted sex offenders who are released from supervision. Funds may also be used assist States to participate in both the interim and permanent FBI National Sex Offender Registry systems. Awards are made only to the agency designated by the Governor to administer the program. All States and eligible territories were eligible to apply for NSOR-AP awards. Starting in FY 1999, activities formerly funded under the this program will be funded through the **NCHIP program**.

**National Sex Offender Registry Assistance Program (NSOR-AP):
Fiscal Year 1998 Program Announcement**, 3/98. NCJ 169273

Firearm Inquiry Statistics Program (FIST): The Firearm Inquiry Statistics (FIST) program is designed to collect annual data describing the number of inquiries made in connection with presale handgun checks and the number and basis for rejection of such inquiries. Data collection procedures are adjusted to reflect the differing presale check procedures under the permanent system (which became effective on 11/30/98) and the interim period (02/28/94 - 11/29/98). For historical reference, the 1997 Survey of State Procedures Related to Firearm Sales describes the latest data available on presale handgun checks made by the states during the interim period, and handgun check estimates are available from February 1994 through 1997. Data for calendar year 1998 will include estimates under the interim presale handgun check system established by the Brady Act (through November, 1998) as well as December (1998) data from the National Instant Criminal Background Check System (NICS, the permanent system provided by the Brady Act). As the permanent system requires a check on all firearms (including handguns), subsequent annual releases will include data on both long-guns and handguns.

A 1997 update of the *Survey of State Procedures Related to Firearm Sales* is available. 3/99 NCJ 173942

Acrobat (318K) | **Ascii text** (206K)

National Technical Assistance and Evaluation program : Under this component of the NCHIP program, BJS has funded a grant to SEARCH Group, Inc. to provide onsite and telephone assistance to States which have received funds to assist in upgrading record systems. To date over 30 onsite visits have been made. Requests for such assistance must be originated by the agency receiving BJS funding, although the assistance may be provided to an alternate agency designated by the grant recipient.

BJS made an award to Queues Enforth Development (QED) to conduct an ongoing comprehensive evaluation of the NCHIP, CHRI, and Byrne 5% Set-aside programs. The evaluation is designed to assess the impact of the NCHIP, CHRI, and Byrne 5% Set-aside programs in individual States, particularly regarding the accuracy, completeness, and timeliness of criminal history record information in central repositories.

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State-by-State summary

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Recent data

- [Summary of State Sex Offender Registries Dissemination and Procedures: Update 1999](#)
- [Summary of State Sex Offender Registries: Automation and Operations, 1998](#)
- [Survey of State Criminal History Information Systems, 1997](#)
(Acrobat file 445K)
- [Status of Criminal History Records in the United States](#)

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Criminal Records Policy Program

This program supports surveys, studies, conferences, and technical assistance on issues relating to criminal justice records. Primary emphasis is on accuracy and completeness of records, limitations on dissemination, commingling of juvenile and adult records, data auditing techniques, and the interstate exchange of records. Under this program, the 50-State Survey of Criminal History Information Systems is conducted, providing information on the technology, policy and legislative status of criminal history records.

[Criminal records policy publications](#)

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Publications

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Records improvement

Summary of State Sex Offender Registries Dissemination and Procedures: Update 1999, 8/99. Describes the procedures for disseminating sex offender registry information to criminal justice agencies, schools and other youth-serving organizations, and the general public. This report updates the "Dissemination of Sex Offender Registry Data" section of the Summary of State Sex Offender Registries: Automation and Operation 1998. NCJ 177620

Summary of State Sex Offender Registries: Automation and Operations, 1998, 8/99. Presents information on the status of sex offender registries in the 50 States and the District of Columbia as they operated in April 1998, prior to the award of any Federal funds distributed under the National Sex Offender Registry Assistance Program (NSOR-AP) administered by the Bureau of Justice Statistics (BJS). NCJ 177621

Presale Handgun Checks, the Brady Interim Period, 1994-98, 6/99. Provides a national estimate of the number of presale background checks conducted in connection with proposed firearm purchases, the number and percent of rejections, and the basis for the rejections. NCJ 175034

Presale Handgun Checks, 1997, 6/98. NCJ 171130

Presale Handgun Checks, 1996, 9/97. NCJ 165704

Presale Firearm Checks, 2/97. NCJ 162787

Survey of State Criminal History Information Systems, 1997, 4/99. Describes the status of State criminal history records systems as of yearend 1997. NCJ 175041

Survey of State Criminal History Information Systems, 1995, 5/97. NCJ 163918

Survey of Criminal History Information Systems, 1993, with Supplementary Information on Presale Firearm Checks, 1994, 1/95. NCJ 148951

Survey of Criminal History Information Systems, 1992, 11/93. NCJ 143500

Survey of State Procedures Related to Firearm Sales, 1996, 9/97. Describes procedures followed in all 50 States in connection with presale firearm checks. NCJ-163918

Survey of State Procedures Related to Firearm Sales, 5/96. NCJ-160763

Domestic and Sexual Violence Data Collection: A Report to Congress under Violence Against Women Act, 7/96. Reports how States and the Federal government collect data on the incidence of sexual and domestic violence offenses. NCJ 161405

Increasing the Utility of the Criminal History Record: Report of the National Task Force, 12/95. This report describes deliberations of a multi-agency task force to develop a uniform RAP sheet format and identifies and discusses issues concerning inclusion and presentation of RAP sheet data. NCJ 156922

Criminal records policy

National Crime Prevention and Privacy Compact: Resource Materials, 1/99. Presents a section-by-section analysis of procedures for interstate exchange of criminal history records for noncriminal justice purposes such as background checks on persons seeking positions of responsibility involving national security, employment with children or the elderly. NCJ 171671

National Conference on Sex Offender Registries, 5/98. Contains presentations and materials on issues related to criminal record data quality, identification, domestic violence, and sex offenders by Federal, State, and local governmental representatives, administrators, and researchers. NCJ 168965

Compendium of State Privacy and Security Legislation: 1997 Overview, 5/98. Overview of State legislation governing the privacy, security, maintenance, and dissemination of criminal history records. NCJ 168964

**Compendium of State Privacy and Security Legislation: 1994
Overview**, 1/1/95. NCJ 151262

National Conference of Juvenile Justice Records: Appropriate Criminal and Noncriminal Justice Uses -- Proceedings of a BJS/SEARCH Conference, 5/97. Contains the presentations of speakers at the May 1996 conference on collection and use of juvenile records sponsored by BJS and SEARCH. NCJ 164269

Privacy and Juvenile Justice Records: A Mid-Decade Status, 5/97. A comprehensive and broad overview of the status of juvenile justice records and information systems as of 1995, as well as an analysis of related information and privacy issues. NCJ 161255

National Conference on Criminal History Records: Brady and Beyond -- Proceedings of a BJS/SEARCH Group Conference, 1/95. Includes presentations made by the speakers at the National Conference on Criminal History Records in Washington, D.C., in February 1994. NCJ 151263

Use and Management of Criminal History Record Information: A Comprehensive Report, 11/93. Contains a comprehensive description of all aspects of the Federal and State criminal history record information (CHRI) systems. NCJ 143501

Directory of Automated Criminal Justice Information Systems, 1993, 9/93. Serves as a resource guide for criminal justice agencies selecting an automated information management system by indexing systems now in place. Vol. I, NCJ 142645 & Vol. II, NCJ 142646

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Related sites

- **National Privacy and Crime Prevention Compact** at the Office of Legislative Affairs, U.S. Department of Justice -- a proposed compact between the States (previously known as "III Compact") to facilitate interstate access to criminal records for noncriminal justice purposes.
- **Federal Bureau of Investigation**
- **Bureau of Alcohol, Tobacco and Firearms** (See Brady law)
- **Search**, The National Consortium for Justice Information and Statistics

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