



November 27, 2017

The Honorable Henry Cuellar
United States House of Representatives
2209 Rayburn Office Building
Washington, DC 20515

The Honorable John Culberson
United States House of Representatives
2161 Rayburn House Office Building
Washington, DC 20515

Dear Representatives Cuellar and Culberson,

The recent shooting in Sutherland Springs, Texas has brought attention to deficiencies in the nation's background check process. The Fix NICS Act of 2017 would improve key elements of the background check system. Thank you for the opportunity to comment on several key provisions of this bill.

Members of the National Criminal Justice Association (NCJA) are the state and territorial criminal justice planning agencies, also known as the State Administering Agencies (SAAs). SEARCH, The National Consortium for Justice Information and Statistics (SEARCH), is a nonprofit organization governed by a Membership Group of governor appointees from the States and territories. SEARCH Members operate the State criminal history record systems, which are used to provide criminal history records information for criminal and civil background screening. NCJA and SEARCH appreciate that the bill would reauthorize the National Criminal History Improvement Program (NCHIP), which provides grants and technical assistance to states and localities to improve the quality, timeliness, and immediate accessibility of the criminal history records under their authority. It would also reauthorize the National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP), which provides direction, establishes benchmarks, and authorizes grants for the timely uploading of those criminal history records into the NICS for the purpose of identifying individuals disqualified from purchasing a firearm. Under current law, states are penalized a percentage of their Byrne Justice Assistance Grant (Byrne JAG) funding for not meeting those benchmarks.

In addition to reauthorizing these two critical programs, the Fix NICS Act would require each state to develop an implementation plan for achieving the goals set out in the NICS Improvement Amendments Act (NIAA). The plan, to be developed by each state in collaboration with the Department of Justice, would provide the state with an opportunity to assess their systems, completeness of records, and to establish the annual benchmarks the state will commit to achieving. Each state plan would also include a needs assessment that details the estimated cost of complying with those benchmarks.

Under the bill, states complying with their implementation plans will receive a preference for certain federal justice assistance discretionary grant programs. States recognize that penalties against federal grant programs are too often a blunt instrument and ineffective way to

encourage compliance with new statutory requirements. We are pleased that this bill focuses on incentivizing, not penalizing, state action.

We also note that the bill would create a priority area under NARIP for a new Domestic Abuse and Violence Prevention Initiative that emphasizes the need for grantees to identify and upload all felony conviction and domestic violence records. It would also give a funding preference under NARIP to states that have established an implementation plan.

Finally, many states are ineligible to receive NARIP grants because they are unable to meet the requirements established in the law. The Fix NICS Act directs the Department of Justice to assist those states in achieving compliance and to provide focused training and technical assistance to grantees.

Thank you for your leadership on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Asplen", with a long, sweeping horizontal line extending to the right.

Chris Asplen
Executive Director

A handwritten signature in black ink, appearing to read "Timothy M. Lott", with a stylized, cursive script.

Timothy Lott
Interim Executive Director