

NICS DATA REPORTING ACT OF 2025

OCTOBER 3, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 2267]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2267) to require the Attorney General to submit to the Congress a report that includes the demographic data of persons determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “NICS Data Reporting Act of 2025”.

SEC. 2. NICS REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, with respect to the preceding year, the demographic data of persons who were determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System, including race, ethnicity, national origin, sex, gender, age, disability, average annual income, and English language proficiency, if available.

Purpose and Summary

H.R. 2267, the NICS Data Reporting Act, introduced by Rep. Thomas Massie (R-KY), would require the Attorney General to submit to Congress a report that includes the demographic data of individuals determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System (NICS).

Background and Need for the Legislation

The FBI operates the NICS system, which was established by the Brady Handgun Violence Prevention Act of 1993.¹ FFLs must contact the FBI to conduct a NICS check when performing a background check to determine whether a potential purchaser may lawfully purchase a firearm.² This NICS check is required before the FFL may transfer the firearm to the prospective purchaser.³ When the FBI runs a NICS check, it searches three different databases, all of which are maintained by the FBI:

- Interstate Identification Index (III)—a database of criminal history information;
- National Crime Information Center (NCIC)—information on individuals subject to civil protection orders and arrest warrants; and
- NICS Indices—information provided by federal and state agencies that is not included in the III or NCIC, such as information that shows an individual has a mental health history or is an illegal alien.⁴

NICS provides full service to the FFLs in thirty-one states, five U.S. territories, and the District of Columbia, while providing only partial service to four states.⁵ Fifteen states perform their own checks through NICS.⁶ The FBI reported conducting over 2 million NICS checks in July of 2025 and more than 28 million NICS checks in 2024.⁷

¹ Pub. L. No. 103–59, Title I, (1993).

² See 18 U.S.C. § 922(t).

³ *Id.*

⁴ Bureau of Justice Statistics, *The NICS Improvement Act of 2007*, <https://bjs.ojp.gov/programs/nics-improvement-amendments-act?tid=49&ty=tp> (last visited Jun. 12, 2025).

⁵ Federal Bureau of Investigation, *National Instant Criminal Background Check System (NICS)*, <https://www.fbi.gov/services/cjis/nics> (last visited Jun. 12, 2025).

⁶ *Id.*

⁷ Federal Bureau of Investigation, *NICS Firearm Background Checks: Month/Year*, https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view (last visited Sept. 24, 2025).

A NICS check may return three results: approved, delayed, or denied.⁸ A NICS approval indicates that the databases do not contain information indicating that the prospective purchaser is prohibited from acquiring or possessing a firearm.⁹ If the NICS system returns a delayed message, it means that the FBI needs additional time to verify the prospective purchaser's eligibility to acquire or possess a firearm.¹⁰ If the FBI takes more than three business days to verify a prospective purchaser's eligibility, the FFL may transfer the firearm to the prospective purchaser.¹¹ A NICS denial indicates that the databases may contain information that would prohibit the prospective purchaser from acquiring or possessing a firearm.¹²

Initial NICS denials may be reversed during the early stages of review.¹³ By some estimates, approximately 96 percent of initial denials are subsequently overturned.¹⁴ These initial denials may occur because of some shared characteristic with a prohibited purchaser, such as having the same or similar name. Some have claimed that the NICS process produces an outsized number of denials for prospective minority firearm purchasers. Dr. John Lott of the Crime Prevention Research Center has asserted that:

Certain racial groups will encounter this problem more often than others. With some 40 percent of Vietnamese people bearing the name Nguyen, the problem of duplicate names is very likely to exist among people with this national heritage. Hispanics are more likely to share names with other Hispanics, and the same is true of blacks. Also, because 30% of black males are forbidden from buying guns because of their criminal records, law-abiding black males are especially likely to have their names confused with those of prohibited people.¹⁵

As Dr. Lott points out, these denials could have real world consequences that place potential purchasers in danger of not being able to exercise their Second Amendment Rights.¹⁶ The NICS Data Reporting Act will require the Attorney General to submit reports to Congress detailing the demographic information of individuals who receive a denial notice from NICS. This information will inform Congress about any inequities that may exist in the NICS system, so that Congress can ensure that all law-abiding Americans may exercise their Second Amendment rights.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearings were used to develop H. R. 2267: "The Right to Self Defense," a hearing held on March 4, 2025, before the Sub-

⁸ Federal Bureau of Investigation, *Firearm-Related Challenge (Appeal) and Voluntary Appeal Fee (VAF)*, <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/national-instant-criminal-background-check-system-nics-appeals-vaf> (last visited June 26, 2025).

⁹ Federal Bureau of Investigation, *Firearm Checks (NICS)*, <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics> (last visited June 26, 2025).

¹⁰ See Federal Bureau of Investigation, *supra* note 8.

¹¹ *Id.*

¹² *Id.*

¹³ John Lott, *Do Democrats want to disarm minorities*, FOX NEWS (Jul. 30, 2016).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

committee on Crime and Federal Government Surveillance of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- Doug Ritter, Founder and Chair of Knife Rights, Inc. and Knife Rights Foundation;
- Diana Muller, Founder of Women for Gun Rights;
- Dave McDermott, Founding Partner of McDermott Law Group and USCCA Network Attorney; and
- Gregory Jackson, Jr., Former Deputy Director, White House Office of Gun Violence Prevention.

The hearing examined the individual's right to self-defense protected by the Second Amendment and also examined the efficacy of gun control policies and the related effect on public safety.

Committee Consideration

On March 25, 2025, the Committee met in open session and ordered the bill, H.R. 2267, favorably reported with an amendment in the nature of a substitute by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the Committee states that no roll call votes occurred during consideration of H.R. 2267.

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to filing of the report and is included in the report. Such a cost estimate is included in this report.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 2267 from the Director of the Congressional Budget Office:

H.R. 2267, NICS Data Reporting Act of 2025			
As ordered reported by the House Committee on the Judiciary on March 25, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2267 would require the Department of Justice (DOJ) to report annually to the Congress on the demographic data of people who were found to be ineligible to purchase a firearm during a background check by the National Instant Criminal Background Check System (NICS), to the extent that data is available. The federal government and states use the NICS to conduct background checks on prospective buyers of firearms to determine whether they are ineligible under federal or state law to make such a purchase.

Under current policy, DOJ collects some demographic information for each prospective buyer of a firearm as part of the background check. Based on the costs of similar activities, CBO estimates that completing the report would cost less than \$500,000 over the 2025–2030 period. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 2267 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 2267 would require the Attorney General to submit

to Congress a report that includes the demographic data of individuals determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System (NICS).

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 2267 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act*.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

Section 1. Short title. This section sets forth the short title of the bill as the “NICS Data Reporting Act.”

Section. 2. NICS report. This section requires the Attorney General to submit to Congress an annual report that includes the demographic data of individuals determined to be ineligible to purchase a firearm based on a background check performed by the National Instant Criminal Background Check System.