

Testimony of Robyn Thomas, Executive Director, Giffords Law Center

**Before the House of Representatives Committee on the Judiciary
Hearing on Preventing Gun Violence: A Call to Action**

Thank you, Chairman Nadler, and members of the Committee for the opportunity to testify here today. My name is Robyn Thomas and I am the Executive Director of Giffords Law Center to Prevent Gun Violence. Giffords Law Center was formed more than 25 years ago after a mass shooting at a San Francisco law firm and renamed for former Congresswoman Gabby Giffords after joining forces with the organization founded by her and her husband, Captain Mark Kelly. I have been the Executive Director of the Law Center since 2006.

Twelve years ago, I told a committee of Congress that numerous loopholes undermine our gun laws, putting American lives at risk. Since that time, Congress has begun to address only one of those shortcomings: a loophole that undermines comprehensive reporting of records into the background check system for gun purchasers. And since I last testified before Congress, more than 390,000 people have died from gun violence in our country.

Some of these shootings made national headlines and shocked the nation—the massacres at a Safeway in Tucson; in an Aurora, Colorado movie theatre; at Sandy Hook Elementary School in Connecticut; in a church in Charleston; at the Pulse nightclub in Orlando; at a country music festival in Las Vegas; at Marjory Stoneman Douglas High School in Parkland, Florida; and at a synagogue in Pittsburgh—to name only a few.

After the Virginia Tech massacre in 2007 and again after the Sutherland Springs shooting a little over a year ago, we saw members of both parties come together to address the records that were missing from the National Instant Criminal Background Check System (NICS).¹ Yet, this effort has proven to be far too little to stem the tide of gun violence in this country. It is still far too easy for people who want to do harm to get their hands on guns.

Our federal elected officials need to do more than just ensure that records are in the background check system. We need to make sure that the background check system is used every time a person buys a gun. Under current law, unlicensed sellers can sell guns without running a background check. These sales occur online, at gun shows, and on the street—any place where the seller is not a licensed dealer.

¹ NICS Improvement Amendments Act of 2007, Pub. L. No. 110-180, 121 Stat. 2559 (2008); Fix NICS Act of 2018, Pub. L. No. 115-141, Division S, Title VI, 132 Stat. 1132, (2018).

Because federal law doesn't require a background check for every gun sale, people who shouldn't have guns and are legally prohibited from accessing them—domestic abusers, people with violent criminal records, and people prohibited for mental health reasons—can easily buy guns from unlicensed sellers with no background check and no questions asked, even if their records are in the system. They simply bypass that system.

This is not an abstract or theoretical matter; it's a dangerous loophole in our laws that threatens the public safety of communities across the country.

Gun deaths in the United States have reached their highest level in almost 40 years, with nearly 40,000 Americans dying from gun violence in 2017— more than 100 people every day. Americans are 25 times more likely to be killed by a gun than people in other developed nations. In fact, no other developed country comes close. Sales and transfers of guns without background checks are a major contributor to this problem. A 2017 study estimated that 22 percent of American gun owners acquired their most recent firearm without a background check—which translates to millions of guns each year.²

A 2013 study found that approximately 80 percent of all firearms acquired for criminal purposes were obtained from sources who were not required to run a background check, and that 96 percent of inmates who were prohibited from possessing a firearm at the time they committed their crime obtained their gun this way.³

Congress must close this dangerous loophole. I am grateful to Congressman Mike Thompson and this committee for prioritizing H.R. 8, the Bipartisan Background Checks Act of 2019, in the 116th Congress.

This bill does not infringe on the right of Americans to own guns to protect themselves and their families, or to possess them for other lawful purposes. Nothing in the Constitution requires America's leaders to stand by and do nothing while more people die from gun violence each year than die from military combat overseas. Neither are background checks a violation of the Second Amendment. In fact, the Supreme Court itself has endorsed lifesaving gun safety laws to reduce access to guns by dangerous people, and throughout American history, courts have repeatedly upheld strong firearms regulations.

H.R. 8 will make it harder for dangerous people to get their hands on guns and hurt themselves or others. Since 1994, background checks have stopped over three million gun sales or transfers to convicted felons, abusive partners, and people prohibited for mental health and other reasons. This bill would expand the use of this system, ensuring that the laws prohibiting these people from possessing guns are enforced.

² Matthew Miller, Lisa Hepburn, and Deborah Azrael, "Firearm Acquisition Without Background Checks," *Annals of Internal Medicine* 166, no. 4 (2017): 233–239.

³ Katherine A. Vitte, Jon S. Vernick, and Daniel W. Webster, "Legal Status and Source of Offenders' Firearms in States with the Least Stringent Criteria for Gun Ownership," *Injury Prevention* 19, no. 1 (2013): 26–31.

Law-abiding citizens can pass background checks. The background checks system is designed to identify and deny gun sales to only individuals prohibited from possessing firearms. The FBI's quality control evaluations indicate that background checks are accurate approximately 99.3 percent to 99.8 percent of the time.⁴ And in about 90 percent of cases, firearm background checks processed through NICS are processed within 90 seconds.⁵

Sometimes, however, the FBI cannot immediately obtain a clear yes or no answer on a NICS check. As I mentioned 12 years ago, federal law allows gun dealers to transfer guns after three business days, even if the FBI is still processing the background check.⁶ This loophole allowed the shooter who horrifically, hatefully killed nine people in a church in Charleston, South Carolina, in 2015 to obtain his gun, even though he wasn't legally entitled to buy it, because his background check was still in progress. Approximately 3,000 to 4,000 guns per year are transferred this way and then later have to be reacquired when the FBI determines after the three-day window has closed that the person should not have passed the background check.⁷ The Charleston loophole threatens local communities by enabling guns to fall into the hands of dangerous people. In the last Congress, Congressman James Clyburn introduced legislation to fix this problem. Congress should pass this legislation.

While closing the loopholes in our federal background system is a critical first step, we must also do more to strengthen the laws that cover people at a high risk of committing violence who are not currently prohibited from possessing firearms, including domestic abusers.

Nearly 600 women are shot and killed by intimate partners every year—an average of one woman every 16 hours.⁸ More than one in three women in the United States have experienced sexual violence, physical violence, and/or stalking by an intimate partner in their lifetimes, making it critical that policymakers take steps to remove firearms from domestic violence situations. The gun homicide rate for women in the United States is 16 times higher than in other high-income countries,⁹ fueled in large part by elevated rates of intimate partner gun violence. Guns and domestic violence are a deadly mix: the presence of a gun in a

⁴ Office of the Inspector General, "Audit of the Handling of Firearms Purchase Denials Through the National Instant Criminal Background Check System," US Department of Justice, September 2016, <https://oig.justice.gov/reports/2016/a1632.pdf>.

⁵ Federal Bureau of Investigation, "National Instant Criminal Background Check System Celebrates 20 Years of Service," Criminal Justice Information Services, November 30, 2018, <https://www.fbi.gov/services/cjis/cjis-link/national-instant-criminal-background-check-system-celebrates-20-years-of-service>.

⁶ 18 U.S.C. § 922(t)(1)(B)(ii).

⁷ Criminal Justice Information Services Division of the Federal Bureau of Investigation, U.S. Department of Justice, "National Instant Criminal Background Check System (NICS) Operations Reports," available at <https://www.fbi.gov/services/cjis/nics>.

⁸ Jennifer Mascia, "Once Every 16 Hours, an American Woman Is Fatally Shot by a Current or Former Romantic Partner," The Trace, Feb. 9, 2016, <https://www.thetrace.org/2016/02/women-domestic-violence-death-statistics/>.

⁹ Erin Grinshteyn and David Hemenway, "Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010," *American Journal of Medicine* 129, no. 3 (2016): 266–273.

domestic violence situation makes it five times more likely the victim will die,¹⁰ while domestic violence assaults involving a gun are 12 times more likely to end in death than assaults with other weapons or physical harm.¹¹ And even when they aren't used to commit murder, guns are often used by abusers to threaten and coerce their victims—approximately 4.5 million women in the United States have been threatened with a gun by an intimate partner.¹²

As was the case when I last testified here, current federal law does not prohibit gun possession by people who have assaulted dating partners they haven't lived with. This deadly gap leaves a significant number of abusers able to legally purchase and possess guns—and use them against their partners—despite a documented history of violence. As more couples wait until later in life to marry, this exception becomes deadlier: today, dating partners, not spouses, commit nearly half of all intimate partner homicides.¹³ A study in one city showed that over 80 percent of intimate partner violence calls to law enforcement involve unmarried dating partners who aren't covered by our gun laws.¹⁴ Congress must address this deadly threat to women by making clear that people convicted of misdemeanors for abusing or stalking dating partners aren't entitled to have guns just because they weren't married to their victims. That's why I am grateful to Congresswoman Debbie Dingell for introducing H.R. 569, the Zero Tolerance for Domestic Abusers Act of 2019, in the 116th Congress. This bipartisan bill would follow the lead of states that have closed this loophole and subsequently experienced a 16 percent drop in intimate partner homicides committed with guns.¹⁵

H.R. 569 would also close the stalking loophole. Current federal law prohibits stalkers convicted of felonies from purchasing or possessing guns, but lets those convicted of misdemeanor crimes to legally access them. But because felony stalking charges are often pled down to misdemeanors, this leaves victims at significant risk. Nearly one in six women in the United States is the victim of stalking in their lifetimes,¹⁶ and stalking is a strong indicator of future violence. One study of female murder victims in 10 cities found that

¹⁰ Jacquelyn C. Campbell, et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," 93 *Am. J. Pub. Health* (July 2003): 1089, 1092.

¹¹ Linda E. Saltzman, et al., "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults," 267 *JAMA* (1992): 3043-3047.

¹² Susan B. Sorenson, Rebecca A. Schut, "Nonfatal Gun Use in Intimate Partner Violence: A Systematic Review of the Literature," *Trauma Violence Abuse* 19, no. 4 (2018): 431-442.

¹³ Bureau of Justice Statistics, U.S. Dep't of Justice, *Homicide Trends in the United States, 1980-2008* (Nov. 2011): 20, <http://bjs.gov/content/pub/pdf/htus8008.pdf>.

¹⁴ Susan B. Sorenson, Devan Spear, "New Data on Intimate Partner Violence and Intimate Relationships: Implications for Gun Laws and Federal Data Collection," *Preventive Medicine* 107 (2018): 103-108.

¹⁵ April Zeoli, et al., "Analysis of the Strength of Legal Firearms Restrictions for Perpetrators of Domestic Violence and Their Association with Intimate Partner Homicides," *American Journal of Epidemiology* 187, no. 7 (2018): 1449-1455.

¹⁶ National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, "National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release," (2018): 5, <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>.

76 percent of women who were murdered and 85 percent who survived a murder attempt by a current or former intimate partner had previously been stalked.¹⁷

People convicted of abusing dating partners and stalking clearly should not have access to guns. Neither should those convicted of hate crimes.

Violent extremists and hate groups often use firearms as tools of violence and intimidation. Between 2010 and 2014, roughly 43,000 hate crimes involving the use or threatened use of a gun were committed in the United States.¹⁸ Recent mass shootings at a gay nightclub in Orlando, an historic African-American church in Charleston, and a Sikh temple in Oak Creek, Wisconsin, were among the deadliest hate crimes ever committed in the United States, and among the deadliest mass shootings in our nation's history. But federal law does not prohibit perpetrators of hate crimes from possessing firearms if they plead down their crimes to misdemeanors. In the last Congress, Congressman David Cicilline introduced legislation to close this loophole. I urge this Congress to take up and pass such a bill.

One more thing Congress should do is to pass extreme risk legislation of the kind that has been enacted in red states and blue states across the country, especially since the tragic shooting at Marjory Stoneman Douglas High School in Parkland, Florida. Law enforcement officers often learn that certain individuals in their communities pose a real risk of harming themselves or others—and shouldn't be permitted to possess guns while they're at risk. Family members, too, often are alarmed that a loved one is engaging in dangerous behavior, and a common thread in many mass shootings is that a family member of the shooter saw these warning signs even before any violence occurred.¹⁹ Extreme risk laws give families and law enforcement a way to intervene when someone demonstrates signs of a serious crisis, but in too many states, families and law enforcement lack this tool.

Extreme risk protection order laws empower families and law enforcement by creating a mechanism to temporarily remove guns and prevent the purchase of new guns if a court finds that someone poses a real risk to themselves or others. These laws now exist in some form in 13 states and save lives while ensuring due process for those who pose serious dangers: researchers have determined that in Connecticut, for every 10 to 20 orders issued, one life was saved.²⁰

¹⁷ Judith M. McFarlane, et al., "Stalking and Intimate Partner Femicide," *Homicide Studies* 3, no. 4 (1999): 300-316.

¹⁸ Center for American Progress, *Hate and Guns: A Terrifying Combination*, Feb. 2016, <https://cdn.americanprogress.org/wp-content/uploads/2016/02/23104301/HateCrimes-report.pdf>.

¹⁹ See Federal Bureau of Investigation, "A Study of the Pre-Attack Behaviors of Active Shooters in the United States," June 2018, <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>.

²⁰ Jeffrey W. Swanson et al., "Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?," *Law and Contemporary Problems* 80 (2017): 179-208.

Laws authorizing extreme risk protection orders are a critical tool in helping to prevent gun suicides, which represent 60 percent of gun deaths. Guns are used in only five percent of suicide attempts, but are responsible for over 50 percent of all suicide deaths. This is because suicides attempted with guns are fatal 85 percent of the time—far more often than suicides attempted by other means.²¹ Put simply, people are more likely to die by suicide if they have easy access to firearms, and far less likely to die by suicide if they do not. For many individuals, this may mean the difference between life and death: nine out of 10 people who survive a suicide attempt do not die by suicide at a later date.

Congress can and must do more to support state extreme risk laws. These laws have been enacted in states with broad bipartisan support, and in the last two Congresses, there has been bipartisan support for legislation that would provide grants to states that have enacted such legislation or would provide a procedure to seek an extreme risk order from a federal court. I urge this Congress to prioritize similar legislation.

Congress should also act to address gun violence in the communities where its costs are felt most acutely. Gun homicides disproportionately and unjustly impact young African American and Latino men in urban areas. In 2017, over 65 percent of gun homicide victims were men of color. Those who survive gun violence are likely to experience it again: in studies of urban hospitals, researchers found that up to 45 percent of patients treated for injuries like gunshots were violently reinjured within five years.²² Yet, if implemented properly, violence intervention programs, like focused deterrence, street outreach, and hospital-based interventions, have a proven record of success at reducing this violence.²³ These programs are capable of saving both lives and money, but require reliable, consistent funding to be successful. Currently, programs like these have been implemented in just a handful of cities and funded through a patchwork of discretionary grant programs. The Departments of Justice and Health and Human Services should dramatically increase funding for these programs. Over the long term, this would pay off in a literal sense: every year, gun violence costs the American economy \$229 billion. Congress needs to invest in reducing gun violence.

This investment must include a commitment to fully understand the American gun violence epidemic. This requires research. But in 1996, Congress took away dedicated federal funding for gun violence research from the Centers for Disease Control and Prevention (CDC). For more than 20 years, federal investment in gun violence research has remained virtually nonexistent at the nation's primary health protection agency, despite gun deaths increasing for the past three years in a row to levels not seen in decades. Researchers

²¹ Giffords Law Center to Prevent Gun Violence, *Confronting the Inevitability Myth: How Data-Driven Gun Policies Save Lives from Suicide*, (2018) 8, 25, https://lawcenter.giffords.org/wp-content/uploads/2018/09/Giffords-Law-Center-Confronting-The-Inevitability-Myth_9.3.18.pdf

²² J. Purtle et. al., "Hospital-based Violence Intervention Programs Save Lives and Money," *J. Trauma Acute Care Surg.* 75, no. 2 (2013): 331–333.

²³ See Giffords Law Center to Prevent Gun Violence, *Healing Communities in Crisis: Lifesaving Solutions to the Urban Gun Violence Epidemic* (2016), <https://lawcenter.giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf>.

estimate that gun violence receives less than two percent of the funding it would be expected to receive based on the scope and toll of the problem: the federal government spends only \$57 in research monies per gun death, while lung disease, cancer, and heart disease receive \$6,556, \$2,996, and \$1,740 per death, respectively.²⁴ Congress must correct this inequity and immediately dedicate the appropriate funding to tackle this public health crisis.

Congress must also do more to address gun trafficking. Notably, no clear and effective federal law prohibits gun trafficking. This blatant omission means that law enforcement agencies rarely focus their efforts on those individuals who put guns into the wrong hands. Closing the background check loophole would begin to address this problem, but the law must directly address gun trafficking. Current law does require federally licensed firearms dealers to provide a report to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) any time a person buys more than one pistol within five consecutive business days, which can indicate a trafficker at work.²⁵ This provision should be expanded to all firearms to provide law enforcement with the opportunity to investigate individuals with potentially dangerous intent.

It is of paramount importance that we give law enforcement all of the information they need to keep communities safe. When felons and other prohibited people lie on Form 4473 when buying a gun, not only are they violating federal gun laws, they may also be planning violent crimes. But current law does not require reporting these so-called “lie and try” attempts to state or local law enforcement. Bipartisan legislation was introduced in both chambers in the 115th Congress to ensure that when prohibited individuals lie on a background check form and try to buy a gun, law enforcement gets a heads up. This prompt notification of law enforcement allows agents to investigate and make sure that a prohibited purchaser doesn’t obtain a gun some other way and use it to commit a crime.

Congress should also ensure that ATF is empowered and adequately funded to enforce our nation’s gun laws. While most gun dealers operate responsibly, a small number of irresponsible gun dealers supply an overwhelming number of guns used in crimes. Gun dealers need a license from ATF to operate, but ATF lacks the resources and authority to effectively oversee dealers and shut them down when they behave irresponsibly.

ATF is prohibited from conducting more than one unannounced inspection of each dealer per year²⁶—but even without this restriction, ATF would still lack the resources to conduct sufficient inspections. In fact, a 2013 report by the Office of the Inspector General found that 58 percent of dealers had not been inspected within the past five years due, in part, to a lack of resources.²⁷ This problem has not been solved in the years

²⁴ David E. Stark and Nigam H. Shah, “Funding and Publication of Research on Gun Violence and Other Leading Causes of Death,” *JAMA* 317, no. 1 (2017): 84-86.

²⁵ 18 U.S.C. § 923(g)(3)(A).

²⁶ 18 U.S.C. § 923(g)(1)(B).

²⁷ Office of the Inspector General, Evaluation and Inspections Division, U.S. Department of Justice, Review of ATF’s Federal Firearms Licensee Inspection Program (Apr. 2013): ii, <http://www.justice.gov/oig/reports/2013/e1305.pdf>.

since: in 2017, ATF inspected only about eight percent of federal firearm licensees. Fewer than half of the businesses inspected were found to be in full compliance with federal firearms laws.²⁸

ATF is only authorized to revoke the license of a dealer who has “willfully” violated the law,²⁹ and ATF’s authority to temporarily suspend a gun dealer’s license is strictly limited. In 2017, ATF took administrative action against 3,548 firearms licensees, but only revoked or denied the renewal of 40 licenses.³⁰ This means that dealers are often allowed to stay in business despite careless or reckless business practices that have allowed criminals access to guns—even after law enforcement learns about those dangerous business practices.

ATF is also specifically prohibited from requiring firearm dealers to conduct inventories of their businesses.³¹ The bureau’s lack of authority to ensure that firearms dealers utilize this common business practice means that, absent state or local regulation, dealers are not required to confirm whether firearms have gone missing. Gun stores are also under no legal obligation to use basic security measures to safeguard their inventories. Over 12,000 guns were either lost or stolen from federal firearms licensees in 2017 alone.³²

To keep American communities safe, gun stores whose irresponsible business practices put guns in the hands of criminals should not be allowed to stay in business, and ATF should have the resources and authority necessary to provide proper oversight and revoke licenses from bad actors. In past Congresses, bills have been introduced in both the House and the Senate that would strengthen ATF’s authority and reduce these problems.

Just as ATF desperately needs modernization, so too does the gun industry. Gun safety technology includes personalized guns and accessories such as gun safes, trigger locks, and retrofit kits that prevent firearms from being fired by unauthorized users.³³ These innovations have the potential to reduce gun suicides and unintentional shootings, especially among children, as well as gun thefts. Nearly 7,000 children in the United States receive medical treatment for gun-related injuries each year. Personalized guns and accessories let owners control who can access their gun. The technology that gives owners this

²⁸ Bureau of Alcohol, Tobacco, Firearms & Explosives, Fact Sheet - Facts and Figures for Fiscal Year 2017 (May 2018), <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2017>.

²⁹ 18 U.S.C. § 923(e).

³⁰ Bureau of Alcohol, Tobacco, Firearms & Explosives, Fact Sheet - Facts and Figures for Fiscal Year 2017 (May 2018), <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2017>.

³¹ Consolidated and Further Continuing Appropriations Act 2013, 113 P.L. 6, 127 Stat. 198 (2013).

³² Bureau of Alcohol, Tobacco, Firearms & Explosives, Federal Firearms Licensee (FFL) Theft/Loss Report (2018), <https://www.atf.gov/resource-center/docs/report/theftdatausa2017pdf/download>.

³³ Giffords Law Center to Prevent Gun Violence, Securing a Safer Future: How Incentives for Gun Safety Technology Can Stop Shootings (2018), <https://lawcenter.giffords.org/wp-content/uploads/2018/06/Securing-a-Safer-Future-Giffords-Law-Center-6.13.18.pdf>.

control includes biometric security methods, like fingerprint sensors, and radio-frequency identification (RFID) technology, which uses radio waves to identify objects. Personalized accessories, like a fingerprint trigger lock, add an extra layer of security to gun safes or locks. When used with traditional guns, they offer a similar level of security to personalized guns. Congress can encourage the development of these potentially lifesaving technologies by providing research and development tax credits and grants for gun safety technology through supporting the SAFETY Act introduced by Congressman Jim Himes.

In addition to encouraging the gun industry to pursue more responsible and safer business practices, Congress should ensure that irresponsible and dangerous industry actors can be held accountable. But gun dealers, importers, and manufacturers also enjoy an immunity from civil liability that doesn't apply to any other industry. After a series of lawsuits in the 1990s began to hold particularly reckless gun businesses liable, the gun lobby convinced Congress to pass and President Bush to sign the Protection of Lawful Commerce in Arms Act in 2005.³⁴ This law gives gun manufacturers and sellers unprecedented nationwide immunity from lawsuits and as a result, the industry can ignore the incentive that civil litigation normally provides for private businesses to avoid causing harm to the public. PLCAA has slammed the courthouse doors shut for the thousands of gun violence victims whose deaths and injuries could have been prevented if the gun industry behaved in a more responsible manner. This Congress has the chance to right this wrong by passing legislation to repeal PLCAA.

While the gun industry should be treated equally in court to all other industries, it is clear that all guns are not created equal. Semi-automatic assault rifles offer a lethal combination: rifle ammunition capable of penetrating bullet-proof vests, coupled with the capability to accept detachable magazines that can hold as many as 100 rounds. This lethality has made semi-automatic assault weapons with large-capacity magazines the weapons of choice for shooters who carry out horrific public attacks. Because shooters with large-capacity magazines can fire at large numbers of people without taking the time to reload, those in the line of fire do not have a chance to escape, law enforcement does not have the chance to intervene, and the number of lives shattered by senseless acts of gun violence increases dramatically. In Tucson, when Gabby was shot, the moment when the shooter stopped firing to reload was the moment when a courageous bystander intervened and stop his rampage.

Congress must do more to restrict access to these deadly devices, which includes ensuring that a teenager cannot easily purchase these exceptionally lethal firearms. Congress set the minimum age to buy a handgun at 21, but allows an 18-year-old to buy an AR-15. That is how the teenage shooter in Parkland, Florida, was able legally buy a semi-automatic assault rifle and use it to kill 17 people. Since that tragic day, four states have closed this gap and ensured that residents cannot buy an AR-15 or AK-47 before they are old enough to buy a handgun—or even a beer. Elected officials on both sides of the aisle in state legislatures, Congress, and the White House agree we must raise the minimum age to purchase these

³⁴ Pub. L. No. 109-92, 119 Stat. 2095 (2004).

weapons of war. Bipartisan legislation has already been introduced this Congress to do just that, and I call on Congress to take this commonsense step forward.

Finally, Congress should act to ban bump stocks. In the terrifying attack in Las Vegas, a shooter used semi-automatic assault rifles modified with bump stocks in order to shoot more people more quickly. As we are all too aware, attaching a bump stock allows a gun to fire like a machine gun. It was this modification that allowed the shooter to kill 58 people and injure hundreds in a matter of minutes. While a new federal regulation was finalized to ban bump stocks, it was immediately challenged in court, and there is a real risk that it will be tied up in the courts for months or years, leaving these dangerous accessories available to the public. Congress can ensure this threat is dealt with once and for all by acknowledging bipartisan support for banning bump stocks and passing legislation that does so.

As this testimony makes clear, there are countless ways that Congress can, and should, strengthen our gun laws to make our country safer and save lives from gun violence. The final point I want to make is that all of the legislation I have endorsed stands on firm constitutional ground. None of the proposals I've urged Congress to pass violate the Second Amendment.

In *District of Columbia v. Heller*, the landmark case from 2008, the Supreme Court held that the Second Amendment protects an individual right of law-abiding citizens, unconnected to militia service, to own guns for self-defense. But in writing for the Court's majority, the late Justice Antonin Scalia also made crystal clear that the right is not absolute or unlimited, and that it does not override basic public safety concerns.³⁵ *Heller* explicitly said that the Second Amendment was not a "right to keep and carry any weapons whatsoever in any manner whatsoever and for whatever purpose," and stated directly that a range of laws are fully consistent with the Second Amendment, including those prohibiting gun possession by felons and the mentally ill, prohibiting guns in sensitive places like schools and government buildings, and placing conditions on gun sales—conditions like background checks. The Court noted that nothing in the Second Amendment prohibits government from regulating firearm storage to prevent accidents and made clear that Congress and the states can prohibit civilian possession of dangerous weapons of war like the M16 and other weapons most adapted to military use.

Heller's explicit recognition that a broad range of gun laws are fully consistent with the Second Amendment is in keeping with more than 200 years of American history. Since the founding of our country, gun rights have always coexisted with gun regulations, and the need to protect public safety has always gone hand-in-hand with Americans' right to own guns. Indeed, early American gun laws were, in many cases, much more restrictive than 21st century laws, and went much further than any of the actions I have urged Congress to take today. That is why, for more than 200 years before *Heller* and in the decade that

³⁵ 554 U.S. 570 (2008).

followed that decision, federal and state courts across the country have, again and again, upheld strong gun laws that keep our communities safe.

Let me be clear: there is no constitutional impediment to passing lifesaving gun laws. The Second Amendment does not stand in the way of passing stronger gun laws. The only thing standing in the way is the lack of political will. All we need to strengthen our federal gun laws is a Congress with the courage to do so. I urge Congress to find that courage, to show leadership on this life-and-death issue, and to act, now.

Our gun violence crisis is a uniquely American problem. It's a problem that plagues our country in countless different ways and exacts a devastating toll on our communities. But it's a problem with solutions. While one single law will never stop all gun violence, we know strong gun laws save lives. We know that allowing children to grow up safe from violence is not a partisan issue, or at least it shouldn't be.

We have seen progress in recent years. That progress must be the expectation, not the exception. So today, I ask all members of this committee and Congress as a whole to recommit themselves to making progress and taking action to reduce gun violence in this country. Thank you again, Mr. Chairman, and I look forward to taking your questions.