



**Prepared Testimony of
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Crime, Terrorism, and Homeland Security**

**Hearing Subject: Examining Uvalde - The Search for Bipartisan Solutions to Gun Violence
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Introduction

Chairwoman Jackson Lee, Ranking Member Biggs, and distinguished members of the subcommittee, thank you for the opportunity to testify today. It is an honor to appear before this illustrious body on a topic as important as the subject of today's hearing. My name is Christian Heyne and I am the Vice President of Policy and Programs at Brady, one of the nation's oldest gun violence prevention organizations.

Brady works across Congress, courts, and communities, to end America's gun violence epidemic. Our organization carries the name of Jim Brady, who, while serving as Ronald Reagan's press secretary, was shot and severely injured in the assassination attempt on the President. Jim and his wife, Sarah, led the fight to pass the Brady Bill, federal legislation requiring background checks for gun sales from licensed dealers. I have been a part of the movement fighting for common sense gun violence solutions for almost two decades, and, much like Jim and Sarah Brady, I came to this work unwillingly.

Memorial Day weekend in 2005, my parents - Tim and Jan Heyne - were returning a boat they borrowed from my Dad's best friend, Steve Mazin, after a vacation spent in Big Bear, California. What they didn't know is as they began unhitching the boat in the driveway, a gunman with a long history of violence and a backpack filled with firearms was parked across the street.

Steve was chatting with my mom when the gunman emerged from his vehicle, walked up the driveway, and shot Steve in the stomach. He immediately turned the gun on my father, shooting him multiple times. Rather than running away, mom had stayed with Steve, trying desperately to keep him alive. The gunman walked back and stood over her. In the last words she'd ever speak, she begged and pleaded for him to stop. When it was clear that he wouldn't, she got up and ran a few steps before he shot her. On May 30th, 2005, my mom, Jan Heyne, was killed with a single bullet to the spine.

Over the next day, this gunman terrorized our community, hospitalizing two children, killing their mother, and shooting and wounding a sheriff's deputy. He eventually turned the gun on himself and ended his life.

Thanks to incredible work from neighbors, first responders, and trauma surgeons, my father survived. We will forever consider ourselves deeply lucky for that. Despite the efforts of many, including my mother, Steve unfortunately also died from his wounds.

I reflect on the events of that day frequently, but after years of working in the gun violence prevention movement I have realized that the only truly remarkable part of my story is how unremarkable it actually is. My family, our friends, our entire community, all of our lives were forever altered, but we had simply joined an ever-growing "club" in this country, of people left devastated by an epidemic of gun violence that continues to rage on with regularity that no other industrialized country allows.

I have also learned just how much of the pain and anguish experienced by hundreds of thousands of Americans each year as a result of gun violence is inextricably linked to failures of policy.

Today we are here to discuss bipartisan solutions to gun violence within the context of the horrific mass murder that took place in Uvalde, Texas. The lives of 19 children and two educators were ended with an assault weapon in yet another devastating attack on a school. We also hold this conversation 10 years and 1 day after the shooting at Sandy Hook where twenty children, and 6 heroic educators were

murdered with a similar weapon. We look at these shootings and ask, “how is it possible that something like this could happen?” In the past 10 years, we’ve asked this question again and again. After shootings in Parkland, Las Vegas, Buffalo, and even again in my hometown of Thousand Oaks. Communities that live with the daily toll of gun violence ask this question every day. It’s the question we asked ourselves after mom was murdered. The answer, however, is simple — no community can truly feel safe from gun violence when we have done almost nothing to prevent it from happening.

Between our unfettered access to firearms, inconsistent patchwork of state gun laws, systemic issues that perpetuate cycles of violence, and loopholes either intentionally created or ultimately exploited by a gun lobby intent to put profits over human life — the epidemic of gun violence is an inevitable outcome unless our legislators, like those in this very body, are willing to take the requisite action to prevent it.

Here we are, ten years later, bearing a collective national shame that we’ve allowed it to happen again. This time in Uvalde, Texas. Moreover, throughout the course of those ten years, we have allowed it to continue to happen every single day. From firearm suicide, to cycles of violence disproportionately impacting communities of color, to domestic violence, hate-fueled violence and many other forms, Americans continue to get injured and killed with guns at levels that no other industrialized country in the free world experiences. This is in spite of a vast majority of Americans, including gun owners and non-gun owners—Democrats, Republicans, and Independents—who support policies that could address this violence in meaningful ways.

Policy Solutions for A Safer America

Gun violence goes beyond the catastrophic mass shootings that make the front page; it is a public health epidemic that profoundly impacts millions of Americans every single day. Gun violence is a preventable and uniquely American tragedy that claims more than 100 lives each day, inflicting immeasurable trauma on not only survivors, but their families, friends, and communities as well. The devastating reality of gun violence not only injures over 100,000 Americans every year, but it also creates collective trauma, limits educational and social advancement, damages communities economically, makes education and the enjoyment of social activities difficult, and infringes on our fundamental right to live.¹ Gun violence undeniably intersects with many issues facing Americans today: systemic racism, voter suppression, subversion of democracy, and economic injustice, to name a few. In order to fully meet the challenges laid before us, we must consider how interconnected these issues are – for those lost to gun violence, for the countless individuals directly and indirectly impacted by gun violence whose lives will never be the same, and for the overall health and economic well-being of the nation.

Gun violence is a complex problem that requires comprehensive solutions aimed at addressing the root causes faced by a variety of communities. Solutions which reduce firearm suicide and incidents of family fire – a shooting involving an improperly stored or misused gun in the home that results in death or injury² – look different than solutions to the daily toll of community violence which disproportionately affects communities of color. Tools needed to prevent mass shootings look different than the tools needed to prevent diversions of firearms into the illegal market. American gun violence is a layered issue that will persist without tailored solutions that address all of its forms.

¹ Brady. *The Mental Health Impacts of Mass Shootings*. Accessed 13 December 2022. Available at <https://www.bradyunited.org/reports/the-mental-health-impact-of-mass-shootings>

² Brady. *End Family Fire*. Accessed 13 December 2022. Available at <https://www.bradyunited.org/program/end-family-fire>

Below is a non-exhaustive list of policy solutions to this uniquely American epidemic.

Fixing the Brady Background Check System

The critical underpinning of all gun violence prevention laws is the Brady Background Check System. Without this foundational measure, no other gun laws can properly function. The Brady Background Check System has been extremely successful, preventing more than 4.4 million unlawful gun transactions since its passage in 1993.³ In 2018 alone, an average of 630 prohibited gun transactions were prevented *every single day*.⁴ Without background checks, it is almost impossible to keep guns out of the hands of prohibited individuals or to hold gun traffickers accountable.

But while the Brady Background Check System established the essential framework for all other gun violence prevention laws, it does not and will not fix the issue of gun violence on its own. Gaps have emerged in the system as technology has progressed, and businesses and individuals have exploited loopholes for profit. Today, approximately 1 in every 5 gun sales occurs without a background check, due in large part to the rise of gun shows and websites that facilitate private sales online.⁵ Also, under current law, a licensed dealer may transfer a gun to a buyer after three business days even if the background check has yet to determine whether that buyer is legally eligible to purchase a gun. This gap has allowed prohibited people to acquire firearms at an alarming rate: between 2008 and 2021, over 53,000 firearms were transferred to prohibited buyers.⁶

The Brady Background Check System saves lives, but to ensure that the system is actually comprehensive we must expand background checks, with reasonable and narrow exceptions, to cover every gun transaction, and we must ensure that the system has adequate time to complete a background check before someone can take possession of a firearm. Nationally, gun homicide rates fell an astonishing 41% from 1993 to 2018.⁷ At the state level, universal background check laws were associated with a 15% reduction in overall homicide rates.⁸ We need to expand background checks to cover all gun transactions so that prohibited purchasers cannot elude the vetting process by turning to private sellers posting on internet forums or running a gun show booth.

The House has already taken steps to address this issue by passing H.R. 8 (the Bipartisan Background Checks Act of 2021) and H.R. 1446 (the Enhanced Background Checks Act of 2021), both with bipartisan support.

³ C. Brooks. *Background Checks for Firearm Transfers, 2018*. U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics. October 2021. Available at <https://bjs.ojp.gov/library/publications/background-checks-firearm-transfers-2018>

⁴ *Id.*

⁵ M. Miller, L. Hepburn, and D. Azrael. *Firearm Acquisition Without Background Checks: Results of a National Survey*. *Annals of Internal Medicine*: 21 February 2017. Available at <https://doi.org/10.7326/M16-1590>

⁶ U.S. Department of Justice, “National Instant Criminal Background Checks System Operations Report” (2008-2020/2021), Criminal Justice Information Services Division, Federal Bureau of Investigation, retrieved December 2022, available at <https://www.fbi.gov/how-we-can-help-you/need-an-fbi-service-or-more-information/nics>

⁷ G. Kena, J. L. Truman. *Trends and Patterns in Firearm Violence, 1993–2018*. U.S. Department of Justice: Office of Justice Programs, Bureau of Justice Statistics. April 2022. Available at <https://bjs.ojp.gov/content/pub/pdf/tpfv9318.pdf>

⁸ M. Siegel, M. Pahn, Z. Xuan, *et al.* *The Impact of State Firearm Laws on Homicide and Suicide Deaths in the USA, 1991–2016: a Panel Study*. *Journal of General Internal Medicine*: 28 March 2019. Available at <https://doi.org/10.1007/s11606-019-04922-x>

Approaching Gun Violence as a Public Health Epidemic

It is indisputable that American gun violence is a public health epidemic. Every day, over 110 people are shot and killed in the United States.⁹ Of those, 10 are children and teens, including those shot in instances of Family Fire.¹⁰ Gun violence is now the leading cause of death for children.¹¹ Americans kill each other with guns at 25 times the rate of other high-income countries; the rate is 49 times higher for 15- to 24-year-olds.¹² In 2020, gun deaths cost the American economy at least \$483 billion¹³ – a large proportion of which taxpayers end up covering. Violence intervention programs alone can drastically reduce these costs; cities such as Oakland, San Francisco, and Baltimore have already seen millions of dollars savings.¹⁴

Despite rapid advances in medical technology and a heightened awareness of the gun violence crisis in communities across the country, gun injuries and deaths continue to rise in both rural and urban areas.¹⁵ In order to fully understand the scope of the problem and to identify the best policy solutions to prevent these deaths, we must treat gun violence as a public health epidemic¹⁶ and continue to provide funding to the Centers for Disease Control and Prevention (CDC) and National Institute of Health (NIH) to conduct thorough, evidence-based research on the issue.¹⁷

Firearms, Suicide, and Safe Storage

Firearm suicides represent the greatest share of gun violence deaths in the United States and affect every American community. An average of 66 people die by suicide with a gun every day, accounting for approximately 60% of all gun deaths.¹⁸ Between 2013 and 2017, firearms were the second most common means of suicide among children 5 to 11 years old – and in every documented case, the child obtained a firearm stored unsafely in the home.¹⁹ In 2019, veterans accounted for 13.7% of suicide

⁹ WISQARS Fatal Injury Data. *Centers for Disease Control and Prevention*. Available at <https://wisqars.cdc.gov/>

¹⁰ *Ibid*

¹¹ M. McGough, K. Amin, N. Panchal, C. Cox. *Child and Teen Firearm Mortality in the U.S. and Peer Countries*. Kaiser Family Foundation: 8 July 2022. Available at <https://www.kff.org/global-health-policy/issue-brief/child-and-teen-firearm-mortality-in-the-u-s-and-peer-countries/>

¹² D. Hemenway. *Off the Cuff: What don't we know about the causes of gun violence? Almost everything*. Harvard T.H. Chan School of Public Health: 2016. Available at https://www.hsph.harvard.edu/magazine/magazine_article/off-the-cuff-what-dont-we-know-about-the-causes-of-gun-violence-almost-everything/

¹³ WISQARS Cost of Injury. *Centers for Disease Control and Prevention*. Available at <https://wisqars.cdc.gov/>

¹⁴ K. Warden. *Hospital-Based Intervention Programs Reduce Violence and Save Money*. Center for American Progress: 4 August 2022. Available at <https://www.americanprogress.org/article/hospital-based-intervention-programs-reduce-violence-and-save-money/>

¹⁵ J. Butts. *Gun Violence is not an "Urban" Problem*. John Jay Research and Evaluation Center: January 2020. Available at <https://johnjayrec.nyc/2018/05/24/databit201801/>

¹⁶ American Public Health Association. *Gun Violence is a Public Health Crisis*. February 2021. Available at https://www.apha.org/-/media/files/pdf/factsheets/200221_gun_violence_fact_sheet.ashx

¹⁷ S. Rajan, C. C. Branas, S. Hargarten, and J. P. Allegrante. *Funding for Gun Violence Research Is Key to the Health and Safety of the Nation*. *American Journal of Public Health*: February 2018. Available at <https://doi.org/10.2105%2FAJPH.2017.304235>

¹⁸ WISQARS Fatal Injury Data. *CDC*.

¹⁹ D. A. Ruch, K. M. Heck, A. H. Sheftall, *et al.* *Characteristics and Precipitating Circumstances of Suicide Among Children Aged 5 to 11 Years in the United States, 2013-2017*. *JAMA Network*: 27 July 2021. Available at [10.1001/jamanetworkopen.2021.15683](https://doi.org/10.1001/jamanetworkopen.2021.15683)

deaths among U.S. adults and 18% of firearm suicide deaths, despite making up less than 7% of the adult population.²⁰

Perhaps the greatest obstacle to overcome in preventing suicide from a firearm policy perspective is the degree of impulsivity that leads to suicide attempts. More than half of suicidal acts are completely impulsive involving no prior planning,²¹ which is why reducing access to lethal means is such an effective method of reducing the likelihood of death for those experiencing suicidal ideation.²² Less than 10% of all suicidal acts are fatal,²³ but about 90% of suicidal acts with a firearm result in death.²⁴ A second chance is critical because the vast majority of those who attempt suicide – a full 70% – will never make another attempt on their life.²⁵ Access to a gun in the home increases the risk of suicide death by 300%.²⁶ Limiting or delaying access to firearms via extreme-risk style laws and safe storage laws would significantly reduce the fatality rate of suicide attempts among all Americans.

Extreme Risk Laws (sometimes called “red flag laws” or ERPOs) allow for individuals who are a risk to themselves or others to be temporarily separated from firearms by a court of law without criminal charges or a permanent prohibition. Nineteen states and Washington, D.C. have enacted ERPO-style laws.²⁷ These laws are particularly well-suited for preventing suicide, with one study of Connecticut risk protection orders finding that nearly half of all ERPOs issued in the state resulted in individuals receiving needed treatment – and that for every 10 to 20 orders, one suicide was successfully prevented.²⁸ Indiana’s ERPO law was associated with a 7.5% reduction in firearm suicides over the 10 years following its enactment in 2005.²⁹ Furthermore, extreme risk laws can assist in preventing mass shootings: in a study of 21 cases in California where a credible threat of violence was made by a person who either had access to a firearm or who was attempting to gain it, the temporary removal by the state of that access resulted in no violence.³⁰

²⁰ U.S. Department of Veterans Affairs: Office of Mental Health and Suicide Prevention. *National Veteran Suicide Prevention Annual Report*. September 2021. Available at <https://www.mentalhealth.va.gov/docs/data-sheets/2021/2021-National-Veteran-Suicide-Prevention-Annual-Report-FINAL-9-8-21.pdf>

²¹ E. Baca-García, C. Diaz-Sastre, E. Basurte, R. Prieto, A. Ceverino, J. Saiz-Ruiz, J. de Leon. *A prospective study of the paradoxical relationship between impulsivity and lethality of suicide attempts*. The Journal of clinical psychiatry: July 2021. Available at <https://pubmed.ncbi.nlm.nih.gov/11488369/>

²² Harvard T.H. Chan School of Public Health. *Means Matter: 2022*. Available at <https://www.hsph.harvard.edu/means-matter/>

²³ A. Conner, D. Azrael, M. Miller. *Suicide Case-Fatality Rates in the United States, 2007 to 2014*. Annals of Internal Medicine: 17 December 2019. Available at <https://doi.org/10.7326/M19-1324>

²⁴ R. S. Spicer and T. R. Miller. *Suicide acts in 8 states: incidence and case fatality rates by demographics and method*. American Journal of Public Health: December 2000. Available at 10.2105/ajph.90.12.1885

²⁵ Harvard. *Means Matter*. 2022.

²⁶ A. Anglemyer, T. Horvath, G. Rutherford. *The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis*. Annals of Internal Medicine: 21 January 2014. Available at <https://doi.org/10.7326/M13-1301>

²⁷ Brady. *What are extreme risk laws?* Accessed 13 December 2022. Available at <https://www.bradyunited.org/factsheets/what-are-extreme-risk-laws>

²⁸ J. W. Swanson, M. A. Norko, H. Lin, et al. *Implementation and Effectiveness of Connecticut’s Risk-Based Gun Removal Law: Does it Prevent Suicides?* Law and Contemporary Problems: 2017. Available at <https://scholarship.law.duke.edu/lcp/vol80/iss2/8/>

²⁹ A. J. Kivisto, P. L. Phalen. *Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015*. Psychiatric Services: 1 June 2018. Available at <https://doi.org/10.1176/appi.ps.201700250>

³⁰ G. J. Wintemute, V. A. Pear, J. P. Schleimer, et al. *Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series*. Annals of Internal Medicine: 5 November 2019. Available at <https://doi.org/10.7326/M19-2162>

Beyond extreme risk laws, laws that promote safe firearm storage are effective at reducing “family fire,” which is a shooting involving an improperly stored or misused gun found in the home that results in death or injury, including suicides, unintentional shootings, and intentional shootings. 4.6 million children live in a home with an unlocked, loaded firearm,³¹ and every day, eight children and teens are injured or killed by family fire.³² Because suicide is often an impulsive act, safe storage saves lives.³³ More than 70% of the guns used in pediatric suicide attempts were stored in the child’s own residence, or the resident of a relative or friend.³⁴ By contrast, firearm owners who keep their firearms locked or unloaded were at least 60% less likely to die from firearm-related suicide than those who store their firearms unlocked and/or loaded.³⁵

Keeping guns locked and unloaded has also been found to have a protective effect against unintentional shootings and suicide among youth, reducing the odds of death by 73%; storing ammunition separately from a firearm reduces the risk of an unintentional shooting among youth by 61%.³⁶ Over 70% of kids know where the guns in their homes are stored, and 1 in 5 parents who said their child never handled guns without supervision were contradicted by their children.³⁷ More than 75% of school shootings are facilitated by kids having access to unsecured and/or unsupervised guns at home.³⁸

A modest intervention that motivates households to safely store guns could reduce youth firearm deaths by up to 32%.³⁹ Safe storage can also prevent guns from entering the illegal market. Gun thefts from cars, homes, and gun dealers are a large source of black-market guns.⁴⁰ Between 2010 and 2016, police recovered more than 23,000 stolen firearms, most of which were connected to kidnappings, armed robberies, sexual assaults, murders, and other violent crimes.⁴¹

³¹ D. Azrael, J. Cohen, C. Salhi, M. Miller. *Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey*. Journal of Urban Health: 10 May 2018. Available at [10.1007/s11524-018-0261-7](https://doi.org/10.1007/s11524-018-0261-7)

³² End Family Fire. 2022. Available at <https://www.endfamilyfire.org/>

³³ E. Baca-García *et al.* *A prospective study*. July 2021.

³⁴ D.C. Grossman, D.T. Reay, S.A. Baker. *Self-inflicted and unintentional firearm injuries among children and adolescents: the source of the firearm*. Archives of Pediatrics and Adolescent Medicine: August 1999. Available at [10.1001/archpedi.153.8.875](https://doi.org/10.1001/archpedi.153.8.875)

³⁵ E.D. Shenassa, M.L. Rogers, K.L. Spalding, M.B. Roberts. *Safer storage of firearms at home and risk of suicide: a study of protective factors in a nationally representative sample*. Journal of Epidemiology & Community Health: 13 September 2004. Available at <https://jech.bmj.com/content/58/10/841>

³⁶ D.C. Grossman, B.A. Mueller, C. Riedy. *Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries*. JAMA: 9 February 2005. Available at <https://jamanetwork.com/journals/jama/fullarticle/200330>

³⁷ F. Baxley, M. Miller. *Parental misperceptions about children and firearms*. Archives of Pediatrics and Adolescent Medicine: May 2006. Available at <https://pubmed.ncbi.nlm.nih.gov/16651499/>

³⁸ T.D. Hobbs. *Most Guns Used in School Shootings Come From Home*. Wall Street Journal: 5 April 2018. Available at <https://www.wsj.com/articles/in-school-shootings-most-guns-come-from-home-1522920600>

³⁹ M. C. Monuteaux, D. Azrael, M. Miller. *Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths*. JAMA Pediatrics: 13 May 2019. Available at <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2733158>

⁴⁰ Los Angeles Times. *Gun storage laws save lives, so why don't we have more of them?* 16 May 2019. Available at <https://www.latimes.com/opinion/editorials/la-ed-guns-children-suicides-accidental-shootings-gun-storage-20190516-story.html>

⁴¹ B. Freskos. *Missing Pieces*. The Trace: 20 November 2017. Available at <https://www.thetrace.org/features/stolen-guns-violent-crime-america/>

The House has already taken steps to address this issue by passing H.R.2377 (the Federal Extreme Risk Protection Order Act of 2021), which included H.R.3480 (the Extreme Risk Protection Order Act of 2021), as well as H.R.130 (Kimberly Vaughan Firearm Safe Storage Act, H.R.748 (Ethan’s Law), and H.R.6370 (the Safe Guns, Safe Kids Act), which were included in H.R.7910 (the Protecting our Kids Act). All of these bills passed with bipartisan support.

Guns and Domestic Violence

In a country where one-third of women and one-quarter of men are victims of physical violence at the hands of an intimate partner in their lifetime, the issue of domestic violence cuts across racial, gender, economic, sexual, generational, and religious divides.⁴² On the whole, the number of individuals who experience this type of violence, and are killed in its course, is shocking. Between 2015 and 2019, an average of 556 women were killed by a husband or male dating partner with a gun each year, meaning a woman was killed by an intimate partner with a gun *every 16 hours*.⁴³ Black women are disproportionately the victims of fatal domestic violence with firearms, accounting for 58% of women shot and killed by a husband or intimate acquaintance in 2019.⁴⁴ The mere presence of a firearm is a key factor which can turn abusive partners into killers. A male abuser’s direct access to a gun dramatically increases — by more than 1,100% — the likelihood that intimate partner violence he commits will become fatal.⁴⁵ Firearms also are used to intimidate, silence, threaten, or harass intimate partners as well:⁴⁶ In 2016, about 4.5 million American women reported that an intimate partner had threatened them with a gun.⁴⁷

Prior to enactment of the Bipartisan Safer Communities Act of 2022 (BSCA), individuals had to be married to, live with, or have a child in common with a domestic violence victim in order to be prohibited from possessing firearms because of a misdemeanor crime of domestic violence conviction (commonly known as the “Boyfriend Loophole”). The BSCA updated this language to include abusive dating partners, who will now be prohibited from possessing guns for five years — provided they are not convicted of a violent crime during that period. However, remaining legislative loopholes continue to put vulnerable populations in danger. Domestic violence records are much less likely to be detected by a background check due to inadequate reporting of domestic violence convictions by states.⁴⁸ Furthermore, abusers can currently access firearms through private sales, which are not subject to Brady Background Checks. The consequences of these loopholes extend beyond the home, affecting all of us:

⁴² M.C. Black *et al.* *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention: November 2011. Available at https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf

⁴³ Violence Policy Center. *Female Homicide Victimization by Males*. Accessed 13 December 2022. Available at <https://vpc.org/revealing-the-impacts-of-gun-violence/female-homicide-victimization-by-males/>

⁴⁴ VPC. *Female Homicide Victimization*. 2022.

⁴⁵ C. M. Spencer, S. M. Stith. *Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis*. *Trauma, Violence, & Abuse*: 10 June 2018. <https://doi.org/10.1177/1524838018781101>

⁴⁶ M. Ewing. *An Estimated 4.5 Million Women Have Been Bullied with Guns by Abusive Partners*. *The Trace*: 3 October 2016. Available at <https://www.thetrace.org/2016/10/nonfatal-gun-use-domestic-violence/>

⁴⁷ S.B. Sorenson, R.A. Schut. *Nonfatal Gun Use in Intimate Partner Violence: A Systematic Review of the Literature*. *Trauma, Violence & Abuse*: October 2018. Available at <https://pubmed.ncbi.nlm.nih.gov/27630138/>

⁴⁸ D.W. Keck. *New BJS Report Tracks States' Reporting of Misdemeanor Convictions to NICS*. The National Resource Center on Domestic Violence and Firearms: 3 January 2017. Available at <https://www.preventdvgunviolence.org/news/bjs-report-misdemeanors.html>

between 2014 and 2019, 60% of targeted mass shooting events were either domestic violence attacks/violence against women or perpetrated by someone with a history of such behavior.⁴⁹

Congress has already taken some bipartisan steps to address this issue by reauthorizing the Violence Against Women Act and by partially closing the dating partner loophole in the Bipartisan Safer Communities Act (S.2938).

Mass Shootings

Mass shootings are an ever-present threat to the safety of all Americans. Hundreds of incidents occur each year; at the time of writing, 2022 had seen 627 mass shootings,⁵⁰ a number that will undoubtedly and tragically become out of date within hours. Mass shootings account for a small proportion of shooting victims in the U.S. every year,⁵¹ but the profound psychological harm and loss of life, coupled with the broad, varied, long-lasting, and under-studied ripple effects of these events, make it abundantly clear that mass shootings not only have a devastating effect on survivors, their families and friends, and their communities, but have inherently changed the psyche of the country as a whole.⁵²

Weapons of war, including military-style assault weapons and large-capacity magazines (LCMs) known for their ability to exact maximum destruction and casualties, are often the guns of choice for mass shooters because they leave significantly less time for victims to escape or hide while a shooter stops to reload.⁵³ In May, the shooter at Robb Elementary in Uvalde used an AR-style weapon to murder 19 schoolchildren and two teachers.⁵⁴ Similar weapons were also used in Newtown, Orlando, Las Vegas, Sutherland Springs, El Paso, Buffalo, Highland Park, Colorado Springs, and many more. Easy access to these uniquely lethal weapons and LCMs is a consistent, and preventable, factor in mass casualty shootings.

The solutions to this issue are clear and proven: these weapons have no place on America's streets. During the decade that the 1994 Federal Assault Weapons Ban was in effect, gun massacres (defined as six or more people shot and killed) fell by 37%, and the number of people dying from gun massacres declined 43%.⁵⁵ In the decade after the ban expired, the U.S. experienced a 183% increase in such massacres and a 239% increase in fatalities.⁵⁶ Between 2009 and 2020, mass shootings involving assault

⁴⁹ J. Gu. *Deadliest Mass Shootings Are Often Preceded by Violence at Home*. Bloomberg: 30 June 2020. Available at <https://www.bloomberg.com/graphics/2020-mass-shootings-domestic-violence-connection/>

⁵⁰ Gun Violence Archive 2022. Accessed 13 December 2022. Available at <https://www.gunviolencearchive.org/>

⁵¹ B. Berkowitz and C. Alcantara. *The terrible numbers that grow with each mass shooting*. The Washington Post: 12 May 2021. Available at <https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/>

⁵² T. Best. *Trauma, anxiety and PTSD: How mass shootings affect mental health*. ABC News: 5 June 2019. Available at <https://abcnews.go.com/Health/trauma-anxiety-ptsd-mass-shootings-affect-mental-health/story?id=63491970>

⁵³ C. Canipe, L. Gamio. *What the deadliest mass shootings have in common*. Axios: 7 September 2019. Available at <https://www.axios.com/deadliest-mass-shootings-common-4211bafd-da85-41d4-b3b2-b51ff61e7c86.html>

⁵⁴ T. Langford. *Lawyers for 10-year-old victim zero in on marketing of gun used in Uvalde school shooting*. The Texas Tribune: 3 June 2022. Available at <https://www.texastribune.org/2022/06/03/uvalde-school-shooting-lawyers/>

⁵⁵ C. Ingraham. *It's time to bring back the assault weapons ban, gun violence experts say*. The Washington Post: 15 February 2018. Available at <https://www.washingtonpost.com/news/wonk/wp/2018/02/15/its-time-to-bring-back-the-assault-weapons-ban-gun-violence-experts-say/>

⁵⁶ *Ibid.*

weapons resulted in six times as many people shot as compared to incidents with no assault weapon. Shootings involving high-capacity magazines resulted in five times as many people getting shot.

The House has already taken steps to address this issue by passing H.R.1808 (the Assault Weapons Ban of 2022) as well as H.R.2510 (the Keep Americans Safe Act) and H.R.3015 (the Raise the Age Act), both of which passed as part of H.R.7910 (the Protecting our Kids Act). Each of these bills passed with bipartisan support.

Community Violence and the Disproportionate Impact on Communities of Color

While firearm suicide accounts for 3 out of 5 gun deaths in America, the opposite is true for the most disproportionately impacted communities of color; for Black and Hispanic Americans, most gun violence is interpersonal. The impact of gun violence on Black and Hispanic Americans is staggering. The gun homicide rate for Hispanics is more than double that for their white peers, and Black Americans are over 11 times more likely than white Americans to die by gun homicide.⁵⁷ Black men, who make up just 6% of the U.S. population,⁵⁸ account for 51% of all homicide victims,⁵⁹ and gun violence alone accounts for a four-year loss in life expectancy for Black men.⁶⁰ The largest share of these killings occur in urban communities – 80% of gun homicides occur in such areas.⁶¹ Gun violence is the leading cause of injury-related death for Black children and teens, who are 14 times more likely than white children and teens to die by gun homicide. Nearly 60% of Black adults know someone who has been shot, the highest rate of any demographic in the United States.⁶²

The repercussions in communities of color stretch well beyond the victims of gun violence themselves.⁶³ Communities burdened by fear and omnipresent shootings are not in a position to address quality of life issues, such as investment in collective spaces, that could actually address some of the root causes of gun violence. These impacted communities also bear numerous societal costs: depressed property values, lower rates of home ownership, fewer new retail and service businesses, diminished educational and economic opportunities, and lack of access to health care, healthy food, and social opportunities.⁶⁴ All of these effects then become root causes themselves, creating never-ending cycles of gun violence perpetuated by “solutions” that often rely on over-policing and over-incarceration. In order to address community violence, we must break these cycles.

Addressing community violence requires a two-pronged approach. We must address the root

⁵⁷ WISQARS Fatal Injury Data. CDC.

⁵⁸ The U.S. Census Bureau. *2021 Survey Data*. Available at <https://data.census.gov/>

⁵⁹ WISQARS Fatal Injury Data. CDC.

⁶⁰ B. Kalesan, M.A. Vyliparambil, Y. Zuo, J.J. Siracuse, J.A. Fagan, C.C. Branas, S. Galea. *Cross-sectional study of loss of life expectancy at different ages related to firearm deaths among black and white Americans*. *BMJ Evidence-Based Medicine*: 2019. Available at <https://ebm.bmj.com/content/24/2/55>

⁶¹ WISQARS Fatal Injury Data. CDC.

⁶² K. Parker, J.M. Horowitz, R. Igielnik, J.B. Oliphant, A. Brown. *America's Complex Relationship With Guns*. Pew Research Center: 22 June 2017. Available at <https://www.pewsocialtrends.org/2017/06/22/americas-complex-relationship-with-guns/>

⁶³ T. Abt, M. Martin. *Thomas Abt Talks New Book On Urban Violence, 'Bleeding Out'*. WAMU Author Interviews: 13 July 2019. Available at <https://www.npr.org/2019/07/13/741485111/thomas-abt-talks-new-book-on-urban-violence-bleeding-out>

⁶⁴ H.R. Waters, A.A. Hyder, Y. Rajkotia, S. Basu, A. Butchart. *The costs of interpersonal violence—an international review*. *Health Policy*: 6 January 2005. Available at <https://www.sciencedirect.com/science/article/abs/pii/S0168851004002805>

causes of interpersonal violence — the “demand side” — or the impetus of violence will remain uninterrupted. We must also address the unfettered flow of guns into impacted communities — the “supply side” — or efforts at violence intervention will be unable to overcome the readily-available means of violence.

Demand Side Approach - Community Violence Intervention

A “demand-side” approach involves addressing the root causes of interpersonal violence. Being shot, shot at, or witnessing a shooting doubles the probability that a young person will commit violence in the next two years, perpetuating this brutal cycle.⁶⁵ One of the most effective ways to interrupt this cycle is with the use of community violence intervention and interruption (CVI) programs, which approach violence reduction from a public health perspective, working to reduce violence — specifically gun violence — through measurable tactics. Communities have seen dramatic decreases in violence after funding community violence prevention and intervention programs, including hospital-based intervention programs.⁶⁶ In just one example, Richmond, California saw a 71% drop in gun homicides between 2007 and 2016 after investing millions of dollars into these types of programs.⁶⁷

A successful demand-side approach will recognize that many of gun homicide’s underlying root causes stem from systemic racism. As such, efforts to reduce racism in other spheres, including education, healthcare, and social mobility, can bolster community violence programs.

The House has already taken steps to address the “demand side” of community violence by passing H.R.4118 (the Break the Cycle of Violence Act) with bipartisan support.

Supply Side Approach - Gun Industry Oversight and Trafficking Prevention

Guns do not simply appear out of thin air into cities like Oakland, Baltimore, Chicago, and Washington, D.C. — all cities with strong gun laws and high gun violence homicide rates year over year. Instead, tens of thousands of guns are trafficked across state lines every year,⁶⁸ often from states with weak laws to states with much stronger laws.⁶⁹ Most cities impacted the greatest by gun violence have few, if any, federal firearms licensees (FFLs) within their city limits; rather, FFLs that are the sources of crime guns to these places typically sit outside the communities in less diverse and more affluent suburbs.

Crucially, though, just a small percentage of gun dealers are responsible for diverting guns to the criminal market. According to the latest available data, about 90% of crime guns can be traced back to

⁶⁵ J.B. Bingenheimer, R.T. Brennan, F.J. Earls. *Firearm Violence Exposure and Serious Violent Behavior*. Science: 27 May 2005. Available at <https://www.science.org/doi/10.1126/science.1110096>

⁶⁶ J. Purtle, R. Dicker, C. Cooper, T. Corbin, M. B. Greene, A. Marks, D. Creaser, D. Topp, D. Moreland. *Hospital-based violence intervention programs save lives and money*. Journal of Trauma and Acute Care Surgery: August 2013. Available at <https://journals.lww.com/10.1097/TA.0b013e318294f518>

⁶⁷ Richmond, California, Office of Neighborhood Safety. *2016 Annual Summary*. Accessed 13 December 2022. Available at <http://ci.richmond.ca.us/271/Office-of-Neighborhood-Safety>

⁶⁸ G. Aisch and J. Keller, *How Gun Traffickers Get Around State Gun Laws*, New York Times: 13 November 2015. Available at <https://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html>

⁶⁹ Department of Justice, *Data & Statistics: U.S. Firearms Trace Data by State*, Bureau of Alcohol, Tobacco, Firearms, and Explosives: Accessed 12 December 2022. Available at <https://www.atf.gov/resource-center/data-statistics>

roughly 5% of licensed gun dealers.⁷⁰ Gun tracing — the method for identifying a gun’s sequence of ownership from manufacture to first retail sale⁷¹ — is used to link a suspect with a firearm in a criminal investigation, to identify potential traffickers, and to detect in-state and interstate patterns in the sources and kinds of crime guns. Trace data used to be publicly accessible, pulling back the curtain on negligent and unlawful gun dealers, but the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has interpreted the Tiahrt Amendments as blocking it from releasing that data, shielding the industry from scrutiny.⁷²

Gun traffickers also obtain firearms through burglary and theft from FFLs that lack adequate physical security or recordkeeping. Nearly 175,000 firearms were reported “stolen or lost” by FFLs between 2004 and 2011,⁷³ and burglaries and robberies of FFLs increased 48% and 175%, respectively, between 2012 and 2016.⁷⁴ However, there are virtually no federal security requirements required of gun dealers to prevent theft. Furthermore, ATF, the only agency with oversight of the gun industry, is woefully under-resourced. Despite having a goal of inspecting all FFLs every five years, the agency has consistently fallen well short of that,⁷⁵ inspecting only 12% to 13% of all dealers, pawnshops, and manufacturers on average.⁷⁶ Less than 1% of the licenses of all FFLs inspected by the ATF in a given year are revoked,⁷⁷ despite widespread, documented noncompliance, and ATF supervisors also routinely downgrade penalties for dealers that break the law.⁷⁸

ATF consistently falls short enforcing the law against the gun industry, primarily because the gun lobby has tied the agency’s hands behind its back by denying it funding and hamstringing its leadership. Without a fully resourced ATF, the small portion of gun dealers who are diverting illegal weapons into communities will continue to go unchecked, driving up rates of violence and crime.

Congress has taken bipartisan steps to address the supply side of community violence through passage of S.2938 (the Bipartisan Safer Communities Act), which included anti-gun trafficking provisions from H.R.2280 (the Prevent Gun Trafficking Act) as well as redefinition of those required to obtain a federal firearms license to deal in firearms.

⁷⁰ Department of Treasury, *Commerce in Firearms in the United States*, Bureau of Alcohol, Tobacco, and Firearms: February 2000. Available at http://www.joebrower.com/RKBA/RKBA_FILES/GOV_DOCS/BATF_report_020400.pdf

⁷¹ Department of Justice, *National Tracing Center*, Bureau of Alcohol, Tobacco, Firearms, and Explosives. Accessed 12 December 2022. Available at <https://www.atf.gov/firearms/national-tracing-center>

⁷² W. Stachelberg, A. Gerney, and C. Parsons, *Blindfolded, and with One Hand Tied Behind the Back*, Center for American Progress: 19 March 2013. Available at <https://www.americanprogress.org/article/blindfolded-and-with-one-hand-tied-behind-the-back/>

⁷³ Department of Justice, *Review of ATF’s Federal Firearms Licensee Inspection Program*, Evaluation and Inspections Division, Office of the Inspector General: April 2013. Available at <https://oig.justice.gov/reports/2013/e1305.pdf>

⁷⁴ C. Parsons and E. Vargas, *Stolen Guns in America: A State by State Analysis*, Center for American Progress: 25 July 2017. Available at <https://www.americanprogress.org/article/stolen-guns-america/>

⁷⁵ DOJ, *Review of ATF’s Federal Firearms Licensee Inspection Program*

⁷⁶ Department of Justice, *Fact Sheet - Facts and Figures for Fiscal Year 2021*, Bureau of Alcohol, Tobacco, Firearms, and Explosives: August 2022. Available at <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-facts-and-figures-fiscal-year-2021>

⁷⁷ *Id.*

⁷⁸ A. Watkins, *When Guns Are Sold Illegally, A.T.F. Is Lenient on Punishment*, New York Times: 3 June 2018. Available at <https://www.nytimes.com/2018/06/03/us/atf-gun-store-violations.html>

Gun Industry Accountability

A primary driver of gun violence in America is the irresponsible manner by which the gun industry conducts its business practices, supplying the criminal gun market and leading to communities becoming flooded with firearms. The unique and unprecedented protections granted to the gun industry in federal and state law present a major obstacle to gun violence prevention.

In 2003, the NRA worked with U.S. Representative Todd Tiahrt, R-Kan., to insert language into a government funding bill that restricted the ATF from publicly releasing firearms trace data, thereby hiding crucial information about the true origins of guns used in crimes from policymakers and the public.⁷⁹ In the two decades since, these “Tiahrt Amendments” have been interpreted to allow the ATF to shield the most negligent gun dealers from public scrutiny, such as the roughly 5% of licensed firearms dealers responsible for the sale of 90% of crime guns whose identities are blocked from disclosure.⁸⁰ Two years later, with the passage of the Protection of Lawful Commerce in Arms Act (PLCAA), the gun industry scored another major legislative victory at the expense of all Americans. PLCAA has been interpreted to provide firearms manufacturers and retailers protections from civil liability unheard of in any other industry in the country.

The unique protections afforded the gun industry shield it from the oversight to which every other American industry is subject, running counter to the fundamental principle that no one is above the law. They undermine victims of gun violence and remove key incentives for the gun industry to adopt life-saving business practices, a structure that has been present in, for example, the auto industry for decades.⁸¹ As the Superior Court of Pennsylvania recently recognized, PLCAA is unconstitutional because states have the authority not only to hold negligent gun dealers accountable in court, but to ensure that all victims have the right to seek civil justice against wrongdoers who cause them harm.⁸² The gun industry must be held accountable for its role in driving America’s gun violence epidemic; its special treatment must be revoked to ensure a level playing field by removing these undue protections and ensuring transparency.

Conclusion

American gun violence is a complex and multifaceted issue that will persist unless our elected leaders take action and embrace targeted solutions that address the root causes of gun violence and its various forms. Through legislative action there is an opportunity to change the trajectory of gun violence in the

⁷⁹ J. Eilperin, *Firearms Measure Surprises Some in GOP*, Washington Post: 21 July 2003. Available at <https://www.washingtonpost.com/archive/politics/2003/07/21/firearms-measure-surprises-some-in-gop/8d6d4334-2585-47c9-8485-5446334229df/>

⁸⁰ U.S. Department of Treasury. *Commerce in Firearms in the United States*. Bureau of Alcohol, Tobacco, and Firearms: February 2000. Available at http://www.joebrower.com/RKBA/RKBA_FILES/GOV_DOCS/BATF_report_020400.pdf

⁸¹ J. Vernick, L. Rutkow, and D. Salmon. *Availability of Litigation as a Public Health Tool for Firearm Injury Prevention: Comparison of Guns, Vaccines, and Motor Vehicles*. American Journal of Public Health: November 2007. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2040374/>

⁸² A. Frankel. *Federal gun liability shield law is unconstitutional - Pa. appeals court*. Reuters: 29 September 2020. Available at <https://www.reuters.com/article/legal-us-otc-plcaa/federal-gun-liability-shield-law-is-unconstitutional-pa-appeals-court-idUSKBN26K3KW>

United States and lay the foundations for lasting positive change. And if we continue to do nothing, we can only expect to be here again ten years from now, asking the same questions yet again.

We are grateful that Congress was able to come together to pass the Bipartisan Safer Communities Act. This legislation will save lives, but we must recognize that it is a modest step forward and there is so much more that has proven to be effective in states across the country which could be implemented at the federal level.

I leave this committee with a final reminder that the decisions made here in Congress have tangible effects on all of our lives. Think of the more than 45,000 individuals who were killed by guns in 2020, and the two to three times as many individuals who have to live with the injuries from being shot. Think of the jarring fact that the leading cause of death of children in the U.S., for the first time in our history, is firearms. What I will think about is my wedding day, when on the most significant day of my life, there was an empty chair that my Mom should have been in. I'll think about all the times I've wanted to pick up the phone to tell her a story or hear her laugh. I'll think about how she has never held her grandchildren. I'll think about every milestone we have all been deprived of because of her absence on this earth. And, I'll think about the families this year that will have to live through Christmas without their child, and those from every year before it.

That is what the cost of inaction on this issue has looked like, looks like today, and will continue to look like until we work together to pass the things a majority of Americans agree on regardless of where they live, which party they vote with or whether or not they own a firearm. For those of us that have experienced gun violence, it is the ongoing wounds we live with every day that define our lives after those events, because we can never be the same. You have the collective power to prevent others from knowing that pain and trauma and future generations depend on your ability to do it. While I am grateful for the honor of this opportunity, it is traumatizing being here. It is traumatizing reliving these moments over and over. But we keep showing up so others don't have to know this reality.

I sincerely thank this committee for the opportunity to testify before you today and I am hopeful for a future where testimony like ours is not needed, and where the regularity of stories like ours are nothing more than a distant memory. Thank you again and I look forward to your questions.