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TESTIMONY ON FIX GUN CHECKS ACT
SENATE SUBCOMMITTEE ON CRIME & TERRORISM
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Good morning, Chairman Schumer, and members of the Subcommittee. Thank you for the opportunity to testify today. I'm John Feinblatt, and I serve as Chief Advisor for Policy and Strategic Planning for New York City Mayor Michael Bloomberg.

Ten months ago, the nation turned its attention to Tucson, Arizona and watched in horror as 6 people were gunned down and 13 others were seriously injured, including Congresswoman Gabrielle Giffords. Since that day, more than 10,500 Americans have been shot to death in senseless crimes – 34 Americans every day. That means on a daily basis we experience a tragedy larger than the one we had at Virginia Tech.

Even more tragic is that we could have prevented many of these deaths.

Over the past five and half years, Mayor Bloomberg and Mayor Tom Menino of Boston have worked to help build a bi-partisan coalition of more than 600 mayors dedicated to fighting gun crime by strengthening enforcement of existing laws and closing loopholes that are a criminal's best friend.

Our mayors represent every region of the country, and all different political stripes – but we agree on one thing: this issue isn't an ideological battle. It's possible to respect the Second Amendment right of law-abiding citizens while strengthening and enforcing the laws that keep guns out of the hands of dangerous people.

The tragic fact is that often background checks just don't happen or they don't work, because the information that should be in the background check system isn't.

In the case of the Virginia Tech, where 32 people were murdered in 2007, the shooter passed a background check even though he shouldn't have. His history of mental illness should have disqualified him from legally buying a gun – but those records were never reported to the FBI.

After the Virginia Tech massacre, both Houses of Congress unanimously passed a law designed to ensure that federal agencies and states submit the necessary mental health, domestic violence, and drug abuse records to the background check system. As a result, the number of health records in the background check database has risen from 300,000 before Virginia Tech to some 1.3 million today.

Still, according to new analysis released today by Mayors Against Illegal Guns, 23 states have contributed fewer than 100 mental health records. Seventeen of those states have submitted fewer than ten records, and four haven't shared any at all.

Federal agencies are not doing any better. 52 out of 61 federal agencies have reported zero mental health records. 58 federal agencies have reported zero records of drug abusers, including the Drug Enforcement Administration, the Department of Defense and the U.S. Immigration and Customs Enforcement.

To understand why some states are succeeding and others are failing to act, our coalition conducted extensive interviews with more than 60 officials in 49 different states.

We found that states face a complex set of challenges. But we also learned that a few common themes united the states that are successfully sharing records.

First, it's clear that leadership matters. 9 out of the 10 states with the highest submission rates have taken active steps to overcome legal and logistical barriers by passing record-reporting laws.

Second, funding matters. States with access to federal grant funds are reporting on average nearly twice as many records as states that don't. And yet, Congress has appropriated less than 5 percent of the funds it's authorized for this vital grant program.

Third, it's clear that Congress needs to impose penalties with real teeth for states that are failing to submit records. Today, states stand to lose a combined \$12.7 million in federal funding if they don't meet their reporting requirements. We need to put more at stake if this is going to be the national priority it must be.

Finally, we learned that many states don't know what mental health and drug abuse records should be sent to NICS. The Justice Department should issue clear guidance and make it easily accessible to state officials.

In addition, the President should issue an executive order requiring all federal agency heads to certify to the Attorney General, in writing, that their agency has submitted all the necessary records to the national background check system.

This is about enforcing the law – plain and simple. Both Congress and the President have a responsibility to do that. Each can – and must – take action, if our laws are to be upheld, and the public protected.

These four steps are all necessary and urgent. But unfortunately, they're not enough. Because if you buy a gun from a so-called "occasional seller" at a gun show or online, for example, federal law does not require a background check, no matter if you buy one gun or twenty. This loophole feeds the voracious market for illegal guns. An estimated 40 percent of all U.S. gun sales are not subject to a federal background check.

Passing the Fix Gun Checks Act Senator Schumer introduced earlier this year would increase the incentives for states to ensure that all of the records on prohibited gun purchasers that should be in the NICS system are, in fact, in the system. It would also close the private sale loophole once and for all. A bi-partisan poll commissioned this year by our mayors' coalition showed that 86 percent of the public, and 81 percent of gun owners, want every gun purchase to go through a background check.

Last spring our coalition launched the National Drive to Fix Gun Checks. Today, the number of Americans who have signed our petition in support of that effort passed 400,000. I would like to present these names to the members of the Committee and request they be entered into the record.

A few of those who signed are with us today. All of them have lost loved ones to gun violence, and I hope that this Committee listens to their stories and acts swiftly to pass the Fix Gun Checks Act to prevent future tragedies. Thank you.