



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road, Newtown, CT 06470-2359

203-426-1320 jbartozzi@nssf.org

Joseph H. Bartozzi

President & CEO

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Chairman Blumenthal, Ranking Member Cruz, and other members of the Subcommittee,

Thank you for the opportunity to speak to you today about the importance of safe storage of firearms. My name is Joseph Bartozzi and I am the President and CEO of the National Shooting Sports Foundation, the trade association for the firearm and ammunition industry.

NSSF has been the leader in safe storage advocacy efforts since launching Project ChildSafe® in 1999. Project ChildSafe has, for more than two decades, administered a program that provides firearm safety education, training and the means to securely store firearms when not in use. In fact, *no organization has done more in the area of safe firearms storage than has Project ChildSafe.*

The success of Project ChildSafe is a testament to the dedication the firearm industry has to real firearm safety, and one of the reasons our manufacturers have voluntarily included a locking device in every box sold since the late 1980's. We believe that the messenger matters and members of the industry and our Project ChildSafe partners in law enforcement throughout the United States have credibility in encouraging gun owners to store their firearms safely. And it has worked. The Government Accountability Office reported in 2017 that a program that discusses safe storage and gives people the means to store their firearm safely is the most effective way of changing behavior. We are concerned that if safe firearm storage becomes politicized, it will dissuade some from considering the many safe storage options that are available to secure their firearms when not in use.

Because of this, we are concerned that government efforts to dictate behavior will be counterproductive. NSSF *opposes* S.190, *not* because we are opposed to the secure storage of firearms when not in use, but rather because we feel that education and training on the topic of firearm safety and safe storage is more effective than government mandates.

More specifically, NSSF believes that this Bill: could further politicize the issue of firearm ownership, leading to reduced interest in secure storage; would create a virtually unenforceable law; could create the potential inability of armed self-defense; would subject citizens to untenable strict liability jeopardy; and would create a "one size fits all" approach to firearm safety.

As a means of further explanation, and as an alternative to S.190, we submit the following:

NSSF's Project ChildSafe

Project ChildSafe ("PCS") is a program of the National Shooting Sports Foundation and was created in 1999 to promote firearm safety and education. PCS is the largest and most comprehensive firearm safety education program in the country. It is our mission to prevent unauthorized access to firearms. In doing so we are creating safer communities by preventing accidents, thefts, misuse, and suicides.

PCS and the industry that supports it are committed to promoting real solutions for genuine firearms safety through the distribution of free safety education messages, firearm safety kits, and gun locks. Since its inception, PCS has worked with more than 15,500 Law Enforcement and community partners, and collectively we have delivered *40 million* safety kits and gunlocks to communities in all 50 states and all U.S. Territories.

This figure does not include the countless millions of Americans who have gone to Project ChildSafe events, or to our websites (including, but not limited to projectchildsafe.org) or our social media platforms to avail themselves of our free Resource Library. We have developed, and continue to develop an extensive collection of literature, award-winning videos and interactive materials for parents, teachers, and children to educate on the importance of safe and secure firearm storage.

Project ChildSafe provides real, tangible solutions by educating gun owners on the wide variety safe storage options that currently exist and that are in wide usage. These options include all level of price points: cable-style locks, gun cases, lock boxes and full-size gun safes.

Options for firearm storage include key or combination lock access, Radio Frequency Identification ("RFID") fobs and biometric (fingerprint) access. By offering options, PCS is taking care not to discriminate against any socio-economic condition, but rather chooses to educate on the various options in order to let the gun-owner decide which method best fits his or her unique situation.

As an outgrowth of PCS, NSSF works extensively with suicide prevention organizations, including the American Foundation for Suicide Prevention and the Department of Veterans' Affairs.

In addition to the PCS program, the firearm industry has been voluntarily including locks and safety materials in every box with a firearm for decades. Well more than *120 million* locks and safety material has been distributed in PCS kits and in boxes with firearms at retail.

It is our position that we do not need Congress to mandate something that we have been doing voluntarily for decades. We also believe strongly that the best way to get people to secure firearms safely is to work with them, not talk at them.

The Messenger Matters

The NSSF has long believed that gun owners will respond more favorably to messages that are delivered by trusted sources. There is a wariness of government or NGO groups that deliver messages purporting to be about “gun safety,” as often this is code for “gun control.” As a project of the National Shooting Sports Foundation, gun owners can be certain that we have the knowledge, experience, credibility, and firearm bona fides that they can trust.

In fact, the Government Accountability Office reported in 2017 that: “Our review of the studies relating to safe storage approaches (device distribution and physician consultation) found that providing a free locking device to study participants influenced behavior to store firearms more safely and physician consultation generally did not.” NSSF’s Project ChildSafe is the largest and longest running program of this kind in the country, distributing now over 40 million kits with cable style locks. Additionally, this approach has been validated by our work with the Department of Veteran’s Affairs (VA). Based upon recent work with VA, it has been reported to us that when a firearm retailer was presented with VA materials on veteran suicide prevention, there was a reluctance to fully engage on this difficult topic. However, when the same VA representative returned weeks later with NSSF suicide prevention materials, the trust of our message created an environment where our literature is now freely available to their customers, and a relationship has been forged between the retailer and the VA representative that will save lives.

It is our position that talking to gun owners, *as gun owners*, will carry more significance and be more likely to change storage behaviors than adding another federal law, and including severe penalties which can only be imposed *after* a tragedy has occurred.

The favorable downward trend in accidental fatalities involving firearms.

Although our mission has been and continues to be the elimination of accidental firearm fatalities through education and training, in the 20+ years since the inception of PCS, fatal accidents involving firearms have declined by more than 40%.

According to the latest report from the National Safety Council, accidental deaths involving firearms have declined to all-time lows. Since records have been kept on this subject, starting in 1903, fatal accidents have been steadily declining - through education and training – not through legislation.

For instance, in 1903, 2,500 “preventable-injury-related deaths” related to firearm accidents were recorded. The highest number of unintentional firearm-related deaths occurred in both 1929 and 1930 – recorded at 3,200 deaths for each year.

Contrast this with 2019 (the latest figures available) and for “all ages” there was a total of 486 unintentional firearm-related deaths. Accidental deaths from firearms account for 0.3% of all unintentional fatalities.

While we at NSSF and members of our industry are not satisfied with any accidental deaths involving firearms, we are gratified to see progress without the need for federal government mandates.

Self-Defense

Our research has shown that millions of first-time firearm owners decided to purchase a firearm for self-defense and/or home security. As such, we must suppose that these gun buyers want to have the option to defend themselves and their family with a firearm while at home. There is concern amongst many gun-owners that overly stringent and potentially vague restrictions such as are found in S.190 would render them defenseless or in a “no-win” situation, from a legal perspective. This is why PCS stresses options based upon the unique needs of every individual or situation, rather than a broad, vague federal mandate.

The majority in the *Heller* case determined that the District of Columbia’s mandatory law requiring guns to be inoperable and therefore unavailable for self-defense violated the Second Amendment.

“The requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional.”

In order to avoid protracted litigation and uncertainty of choosing between self-defense and a violation of this statute, we submit that education and training is a better course of action.

State Approaches

The issue of the storage of firearms when not in use has traditionally been a state law/policy issue. A few states, including Connecticut, already have Child Access Prevention Statutes (CAPS). The level of knowledge and understanding about the use of firearms, especially in the context of hunting, or in more rural populations, varies widely from state to state.

As such, it is our belief that individual states - and not the federal government - are in the best position to make the determination of what is best for their citizens.

Liability Provisions

We are very concerned about adding yet another opportunity to criminalize gun owners under federal law.

If a firearm is stolen from a residence and later used in a crime, the proximate cause element in S.190 will necessarily result in the burden of proof shifting to the victim of the burglary / larceny. He or she will need to prove that they complied with the provisions of the Bill – but only after they face prosecution, fines, and imprisonment. This Bill creates an untenable situation for the victim of a burglary / larceny, and would, in reality, create strict liability for that victim.

Further to this point: How is the owner of the firearm going to “prove” that they stored their firearm “in a location which a reasonable person would believe to be secure”? Alternatively, how is a “secure gun storage device or safety device” defined? For example, whether a firearm is secured by a cable lock designed for firearms, a lock box, or a full-sized gun safe, and that locked and secured firearm is stolen, taken to another location and the lock / box / safe is attacked with some manner of tool. Eventually, the lock will be removed or the box / safe will be opened. If a secured firearm is stolen, it is certainly possible that it may be used in a crime. Under this scenario, how would this statute apply to the homeowner? In order to be cleared of the proximate cause element, they would need to defend themselves against prosecution in accordance with these vague and ambiguous elements.

An Alternate Approach

NSSF has supported legislation creating a tax deduction for locking devices going back to 2013. In the 113th Congress, Rep. John Carter introduced, H.R. 1883, The Secure Firearms Act which would have created a tax deduction of up to \$1200 for the purchase of a locking device – a much larger incentive than what was included in H.R. 4926 which was introduced last congress by Rep. Mike Levin (D-CA).

Another piece of legislation introduced last congress was H.R. 8631, the Responsible Ownership of Firearms Act, by Rep. Jared Golden, (D-MA). This bill would authorize a competitive grant program at the Department of Justice for the procurement and distribution of firearm locking devices and educational materials on firearm safety.

NSSF believes that this approach would be a more unifying and less divisive approach to this matter. As such, we would support and welcome new voices to this discussion.

The Subcommittee should also be aware that we have also run into many hurdles when trying to spread the word about firearm safety and encouraging the safe storage of firearms. On two separate occasions, NSSF was denied the opportunity to advertise for Project ChildSafe and for our "Real Solutions for Safer Communities" campaign. One was by the Metropolitan Washington Airports Authority specifically at Reagan National, and the other was by the Washington Metro Area Transit Authority in metro stations around the DC area. If Senators on this committee wanted to be helpful in the effort to spread the word, you could encourage management at these two organizations to allow ad space to be purchased to encourage the safe storage of firearms.

Conclusion

Although NSSF is an outspoken advocate for the safe, responsible, and secure storage of firearms when not in use, for the foregoing reasons, it does not support S.190 and urges this Committee to consider the arguments made herein.

Respectfully submitted,



Joseph H. Bartozzi
President & CEO of NSSF and SAAMI
Chairman of the Project ChildSafe Foundation