



## NATIONAL SHOOTING SPORTS FOUNDATION, INC.

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**JAKE MCGUIGAN**  
DIRECTOR, GOVERNMENT  
RELATIONS/STATE AFFAIRS

July 17, 2013

Representative Ronald S. Marsico  
Majority Chairman  
House Judiciary Committee  
205 Matthew Ryan Office Building  
Harrisburg, PA 17120

### **Re: PA Procedure for Background Checks**

Dear Chair Marsico and Members of the Committee:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of more than 9,500 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding Pennsylvania sportsmen, the U.S. military and law enforcement agencies throughout the state.

On behalf of our membership, we write to express our strong support to transfer background checks for firearms purchases from the Pennsylvania State Police (PICS) to the National Instant Criminal Background Check System (NICS).

The firearms industry contributed \$1.2 billion in total economic activity to Pennsylvania in 2012, employs over 3,500 people in the state and generates an additional 4,400 jobs in supplier industries. In these difficult economic times, the firearms industry is still one of the few industries that has grown its profits while also contributing increased tax revenues to the state (to the tune of \$63 million). Unfortunately though, our small business retailers know firsthand how regulations, however well intentioned, can have a significant adverse financial impact on a business.

Currently, Pennsylvania retailers are burdened with accounting and administrative costs by having to collect fees based upon the background checks conducted by PICS. This process is entirely duplicative in nature since the background checks could be conducted by the Federal Bureau of Investigation's NICS free of charge. This system is highly efficient and already subsidized through federal taxes. PICS is simply acting as a "middle-man" between retailers and NICS when a background check is conducted. The State Police end up charging unnecessary fees that not only impact the retailer, but also law-abiding firearms owners. The financial burden that has been created makes it increasingly more difficult for retailers to continue their livelihood, create jobs and tax revenue for the state.

Unfortunately, our member retailers in Pennsylvania complain about PICS service issues that disrupt their lawful commerce in firearms and impact the free exercise of a federal and state constitutional right of law abiding citizens to purchase firearms. Our larger retailer members such as Cabela's and Bass Pro

continually see negative impacts to their bottom line when comparing stores in states that use the National Instant Check System (NICS) as opposed to a state-run system.

We strongly urge the committee to give serious consideration to having the Federal Bureau of Investigation – National Instant Check System (NICS) conduct the federally mandated background check before a firearm can be sold. We have spoken directly with FBI – NICS and they have indicated to NSSF their willingness to assist the Pennsylvania State Police in upgrading to the federal system. Pennsylvania law does not require a more extensive background check than the already comprehensive check that is performed by the FBI. In fact, a PICS check accesses the same federal databases searched by the FBI and state-specific databases are not mandated by Pennsylvania law. A move to NICS would allow the process to be more efficient and not be a drain on State Police resources.

NSSF has launched a campaign called FixNICS which encourages states to report to NICS all records that establish someone is prohibited from owning a firearm under current law. Through a multi-state effort focused on forming coalitions in the states with the fewest submitted records, the industry is dedicating significant resources to helping states overcome the legal, technological, and intrastate coordination challenges preventing effective record sharing.

“Fix NICS” is about keeping firearms out of the hands of prohibited persons, like the shooter in the Virginia Tech tragedy who was able to purchase a firearm from a federally licensed firearms retailer because his prohibiting mental health records were not in the NICS system.

This is an area where Pennsylvania is a leader in the field and has the most records included in NICS. Pennsylvania should be commended for taking the right steps and helping to ensure prohibited individuals do not gain access to firearms. By allowing records to be included in NICS it would provide Pennsylvania the perfect opportunity to no longer depend on PICS for their background checks.

The firearms industry remains engaged in this dialog based on what we believe and what we are doing regarding the prevention of unauthorized access to firearms, including by minors and mentally disturbed individuals. For example:

- NSSF is expanding its nationally recognized Project ChildSafe gun safety program to further emphasize the necessity of proper storage of firearms in homes where young or at-risk persons reside. NSSF includes appropriate materials on securing firearms in its firearm safety kits that include a gun locking device. Working in partnership with law enforcement agencies, Project ChildSafe has distributed more than 35 million firearm safety kits free of charge to firearm owners nationwide. Fortunately, firearms accidents in all age groups have fallen to a century-long low.
- NSSF is committed to its ongoing cooperation with law enforcement to help prevent firearms from being illegally purchased for criminals and other unauthorized individuals best exemplified by our retailer education and public awareness campaign, "Don't Lie for The Other Guy." In a decade-long partnership with U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), NSSF has distributed free of charge tens of thousands of educational kits to retailers to help them identify and prevent illegally purchased firearms. Our public service announcements have been seen by tens of millions of Americans in over 30 media markets selected by ATF.
- NSSF matches rewards offered by ATF for information leading to the arrest and conviction of those responsible for thefts of firearms from federally licensed firearms retailers.
- NSSF has advocated for innovative programs, such as sales tax exemptions for firearms security devices, to promote greater safety measures in keeping children and unauthorized persons from accessing firearms. Today, the vast majority of firearms are shipped from their manufacturers with appropriate locking devices.

- NSSF has long supported the 2008 NICS (National Instant Criminal Background Checks) Improvements Amendments Act that addresses gaps in information available to NICS, such as court decisions related to individuals' mental health status.

Once again, we sincerely appreciate you taking the time to review our concerns. We would like to have an opportunity to discuss some of the ongoing problems that we have with the system and possibly direct some substantive changes. Finally, we urge the State Police to genuinely consider our recommendations and hopefully reach out to us to discuss PICS.

Sincerely,

A handwritten signature in black ink, appearing to read "Jake McGuigan", with a long horizontal flourish extending to the right.

Jake McGuigan

## The Firearms Industry Creates Jobs in Pennsylvania

Pennsylvania companies that manufacture, distribute, and sell sporting firearms, ammunition and suppliers are an important part of the state's economy. Manufacturers of firearms, ammunition, and supplies, along with companies that sell and distribute these products, provide well paying jobs in Pennsylvania and pay significant amounts in tax to the state and Federal governments.

### The Economic Impact of the Sporting Arms and Ammunition Industry in Pennsylvania

	Direct	Supplier	Induced	Total
Jobs (FTE)	3,505	1,600	2,851	7,956
Wages	\$125,961,740	\$103,639,652	\$141,199,885	\$370,801,277
Economic Impact	\$396,963,300	\$337,557,200	\$435,330,800	\$1,169,851,300

### The Firearms & Ammunition Industry is an Important Part of Pennsylvania's Economy

Companies in Pennsylvania that manufacture, distribute and sell firearms, ammunition and hunting equipment employ as many as 3,505 people in the state and generate an additional 4,451 jobs in supplier and ancillary industries. These include jobs in supplying goods and services to manufacturers, distributors and retailers, and those that depend on sales to workers in the firearms and ammunition industry.<sup>1</sup>

These are good jobs paying an average of \$46,606 in wages and benefits. And today, every job is important. In fact, in Pennsylvania the unemployment rate has reached 7.5 percent. This means that there are already 488,200 people trying to find jobs in the state and collecting unemployment benefits.<sup>2</sup>



### The Economic Benefit of the Industry Spreads Throughout the State

Not only does the manufacture and sale of firearms and hunting supplies create good jobs in Pennsylvania but the industry also contributes to the economy as a whole. In fact, in 2012 the firearms and manufacturing industry was responsible for as much as \$1.17 billion in total economic activity in the state.

The broader economic impact flows throughout the economy, generating business for firms seemingly unrelated to firearms. Real people, with real jobs, working in industries as varied as banking, retail, accounting, metal working, even in printing, all depend on the firearms and ammunition industry for their livelihood.

### The State Also Benefits From the Taxes Paid By The Industry

Not only does the industry create jobs, it also generates sizeable tax revenues. In Pennsylvania, the industry and its employees pay over \$63.91 million in taxes including property, income, and sales based levies.<sup>3</sup>

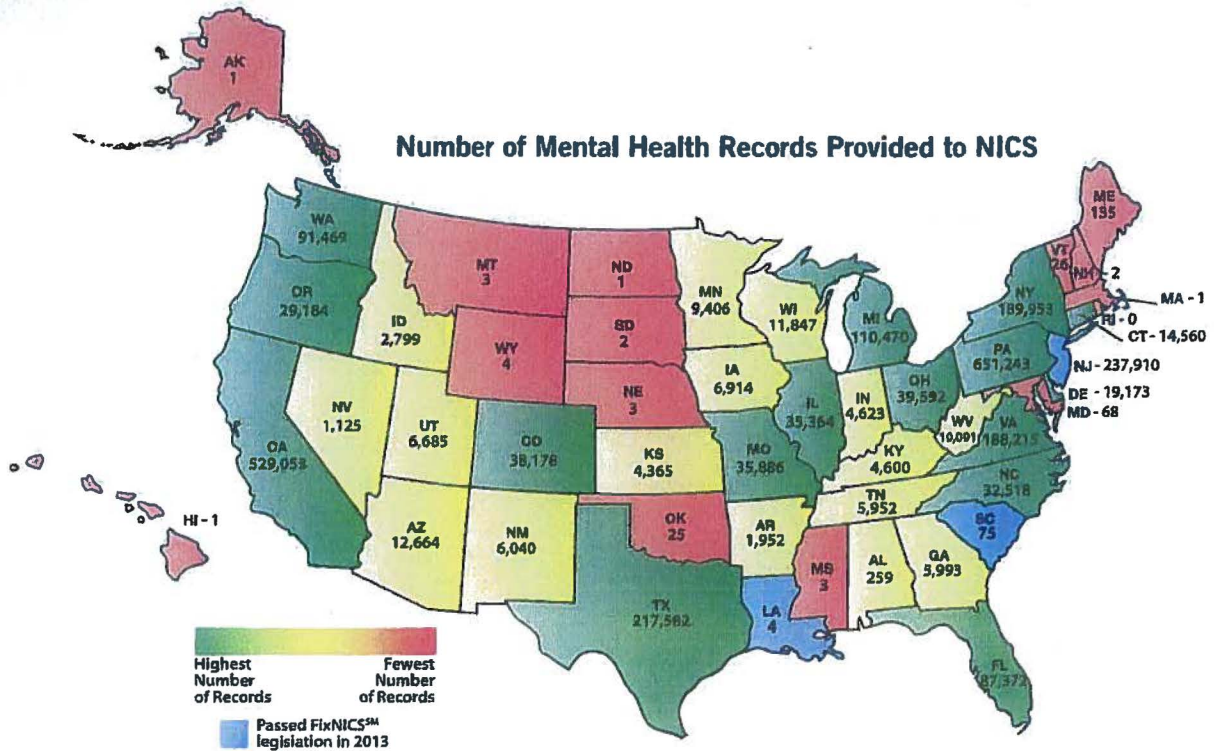
	Taxes Generated in Pennsylvania	
Tax Impact	Business Taxes	Excise Taxes
Federal Taxes	\$79,260,800	\$16,113,409
State Taxes	\$63,912,100	
Total Taxes	\$143,172,900	\$16,113,409

<sup>1</sup> John Dunham and Associates, New York, March 2012. Direct impacts include those jobs in firearms and ammunition manufacturers, as well as companies that manufacture products such as ammunition holders and magazines, cases, decoys, game calls, holsters, hunting equipment, scopes, clay pigeons and targets. Direct impacts also include those resulting from the wholesale distribution and retailing of firearms and ammunition in sporting goods retailers and variety/mass merchandise stores.

<sup>2</sup> The Bureau of Labor Statistics. Available online at: [www.bls.gov/lau/home.htm](http://www.bls.gov/lau/home.htm). Data for May-13.

<sup>3</sup> This is in addition to over \$79.26 million in Federal business taxes and \$16.11 million in Federal excise taxes.

# FIREARMS BACKGROUND CHECKS ARE ONLY AS GOOD AS THE DATABASE.



In South Carolina, Louisiana and New Jersey, legislators passed changes this session ensuring all prohibiting records are sent to the FBI databases.

These legislators acted to help prevent illegal transfers of firearms to those who are prohibited from owning them. They helped FixNICS<sup>SM</sup>.

Will you?

Eliminating missing records helps ensure more accurate and complete background checks. Act to FixNICS. For more details, visit [FixNICS.org](http://FixNICS.org).

**FixNICS**   
[www.fixnics.org](http://www.fixnics.org)

FixNICS<sup>SM</sup> is a National Campaign of the National Shooting Sports Foundation®

**NSSF.ORG**

