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Opening Statement
Representative Henry A. Waxman
Ranking Member
Committee on Government Reform

Special Investigations Briefing:
Lying and Buying — Using False Information to Obtain Firearms

March 21, 2001
2203 Rayburn House Office Building

Good morning. I would like to welcome everyone to this “Special Investigations Briefing.” This Special Investigations Briefing is a forum the minority has organized for members of the Government Reform Committee and other members of Congress to hear the results of important and timely investigations that may not receive a full hearing elsewhere. The title of today’s briefing is “Lying & Buying: Using False Information to Obtain Firearms.”

We will be joined today by agents of the Office of Special Investigations at the General Accounting Office. At my request, they conducted an undercover investigation into the effectiveness of the National Instant Criminal Background Check System (NICS). This system was established pursuant to the Brady Handgun Violence Prevention Act. They will give a briefing to members and provide copies of their written report.

We will also hear presentations by Tony Orza, Director of Government Relations and Legislative Counsel for Handgun Control, Inc., and M. Kristen Rand, Legislative Director for the Violence Policy Center. We invited representatives from the National Rifle Association and the National Association of Federally Licensed Firearms Dealers, but they declined to appear today.

Since it was passed, the Brady Act has had substantial successes. The FBI’s instant background check system went online on November 30, 1998. As of this week, over 20 million NICS background checks have been performed. About half were conducted by the FBI, and the other half were done by states that have agreed to run the checks themselves. In the two years and four months since NICS checks started, the FBI alone has blocked gun purchases to over 169,000 people. Of these, over 4,700 were fugitives on the run. The FBI estimates that participating states have denied about the same number of prohibited people.

Despite these successes, which are significant, the GAO report reveals a major flaw in the current system. As the GAO investigators will describe shortly, they were successful in using fake drivers licenses to buy guns from licensed dealers in five different states. They made the licenses using off-the-shelf software, and they succeeded in their undercover buys in every state they attempted.

In their report, the GAO agents describe the ease with which they made these purchases. They explain that the problem with the current background check system is that it conducts only a “negative” check. That means the system takes whatever name the dealer provides and searches for a criminal history. But it never checks to see if that name is real.

The name could be “Bugs Bunny,” and as long as there is no criminal record, the gun can be sold. This sale can occur regardless of the fact that the buyer may have committed serious felonies, may have been involuntarily committed to a mental institution, or may have committed domestic abuse.

In addition, the system never checks to see if the name on the driver’s license belongs to the person buying the gun. We rely on the gun dealers to verify this information. But, as GAO found, these are the people most interested in making the sale. In fact, my staff found instances in which suspect dealers sold guns to kids using IDs that clearly were not their own — children five years younger than the minimum age to buy a gun, and eight years younger than the IDs they used. The GAO report finds that the current system — and I quote —

“cannot ensure that the prospective purchaser is not a felon or other prohibited person whose receipt and possession of a firearm would be unlawful.”

This is simply unacceptable. The weaknesses in the NICS background checks are a threat to public safety. We need a system that can distinguish between real and fictitious people.