

**A POLICY PROPOSAL TO THE PRESIDENT OF THE UNITED STATES TO
REDUCE GUN SUICIDES AND GUN RELATED VIOLENCE IN AMERICA**

by
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for the degree of Master of Arts in Public Management

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MEMO

To: President Obama

From: Cecilia Munoz, Director of the White House Domestic Policy Council

Topic: Reduce gun suicides and gun related violence in America

Date: 12/09/2014

ACTION-FORCING EVENT

CDC has released data as of mid-June this year that shows that the number of gun related fatalities (32 thousand) in the United States is close to the number of automobile related fatalities (34 thousand).¹ 61% of gun related deaths every year are suicides.² In September of last year, a civilian contractor and military veteran went on a shooting rampage at the Navy Yard in Washington DC.³ The United States has the highest number of gun fatalities and injuries among all other developed nations.

¹ "Fastfacts: All Injusties," Centers for Disease Control and Prevention, July 14, 2014, <http://www.cdc.gov/nchs/fastats/injury.htm>

² Drew Desilver, "Suicides Account for Most Gun Deaths," Pew Research Center, May 24, 2013, <http://www.pewresearch.org/fact-tank/2013/05/24/suicides-account-for-most-gun-deaths/>

³ "Shooting at Washington Navy Yard," CBS News, September 2013, <http://www.cbsnews.com/pictures/shooting-at-washington-navy-yard/>

STATEMENT OF THE PROBLEM

“The total [number of gun violence acts] is down from its 1993 peak, and the number of gun homicides has declined even more rapidly, but the figure is still the highest in the developed world.”⁴ The US has more guns per person than any other developed country. The number of gun deaths in the US is three times that of in Switzerland. Switzerland has the 2nd highest gun death rate among developed countries.⁵ Approximately 19,000 out of the 32,000 gun related deaths in the US every year are suicides.

In addition to gun-related deaths, gun-related injuries are also at high levels. “While the ratio varies, there is an average of five nonfatal firearm injuries for every two firearm deaths.”⁶ Guns lead to the injury of approximately 80,000 people annually.

⁴ Lenny Bernstein, “Gun violence as a public health.” The Washington Post, April 10, 2014, <http://www.washingtonpost.com/news/to-your-health/wp/2014/04/10/gun-violence-as-a-public-health-issue/>

⁵ Sydney Lupkin, “U.S. Has More Guns – And Gun Deaths – Than Any Other Country, Study Finds.” ABC News, September 19, 2013, <http://abcnews.go.com/blogs/health/2013/09/19/u-s-has-more-guns-and-gun-deaths-than-any-other-country-study-finds/>

⁶ Firearm and Injury Center at Penn, UPHS UPENN, 2011, <http://www.uphs.upenn.edu/ficap/resourcebook/pdf/monograph.pdf>

HISTORY

The FBI released a report that states that there has been a sharp increase in the number of mass shootings since 2000.⁷ Along with that, suicide rates have also risen sharply over the past decade.⁸ This is due to the recent financial crisis leading to the state of the economy and the fact that baby boomers are getting older. “It is the baby boomer group where we see the highest rates of suicide.”⁹ Through the history of the US, laws related to gun control have often been passed only after a terrible gun violence act has already occurred.

History of Guns in America

Second Amendment

The second amendment of the Constitution of the United States of America states, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”¹⁰

To this day, people in the US debate the second amendment rights. Our country is being torn in two polar opposite directions on this issue. The NRA and gun lobbyists, among others, believe in individual’s gun ownership right for reasons such as hunting and

⁷ Michael Schmidt, “F.B.I. Confirms a Sharp Rise in Mass Shootings Since 2000,” The New York Times, September 24, 2014, <http://www.nytimes.com/2014/09/25/us/25shooters.html>

⁸ Tara Parker-Pope, “Suicide Rates Rise Sharply in U.S.,” The New York Times, May 2, 2013, <http://www.nytimes.com/2013/05/03/health/suicide-rate-rises-sharply-in-us.html>

⁹ Ibid.

¹⁰ “Bill of Rights: The charters of Freedom: A new world is at hand,” Archives, 2014, http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html

personal safety. However, the families of victims of gun violence have a different interpretation of the second amendment and the right of all to bear arms.

When the constitution was written assault weapons had not been invented. Assault weapons (automatic and semi-automatic weapons) were not commonplace until the 1980s. Consequently there is no discussion about the definition of a “firearm” and limits on certain kinds of firearms in the constitution.

Laws that restrict gun ownership

National Firearms Act of 1934

The national firearms act (NFA) was enacted in June of 1934 after the attempted assassination of then president Franklin D. Roosevelt. This was the first attempt in US history to curb potentially dangerous people from acquiring guns. The act required that guns be registered and taxed.¹¹ The NFA has since been amended and “currently the National Firearms Act imposes an excise tax and registration requirements on narrow categories of firearms, including machine guns, short-barreled shotguns or rifles, and silencers.”¹²

Gun Control Act of 1968

The gun control act of 1968, which was passed after the assassination of President Kennedy, was the next major attempt in controlling who has access to guns. The act

¹¹ “National Firearms Act,” Bureau of Alcohol, Tobacco, Firearms and Explosives, 2014, <https://www.atf.gov/content/firearms/firearms-industry/national-firearms-act>

¹² “Key Congressional Acts Related to Firearms,” Smart Gun Laws, May 21, 2012, <http://smartgunlaws.org/key-federal-acts-regulating-guns/>

prevented the ability of guns to be mail ordered and also required licensing of gun dealers. Further, this act also made it illegal to transfer firearms across state lines unless the transfer was done through a licensed dealer.

Criticism from the NRA and alike was that this act would deter those who wanted to buy guns for reasons such as hunting while not really stopping criminals.

Brady Law

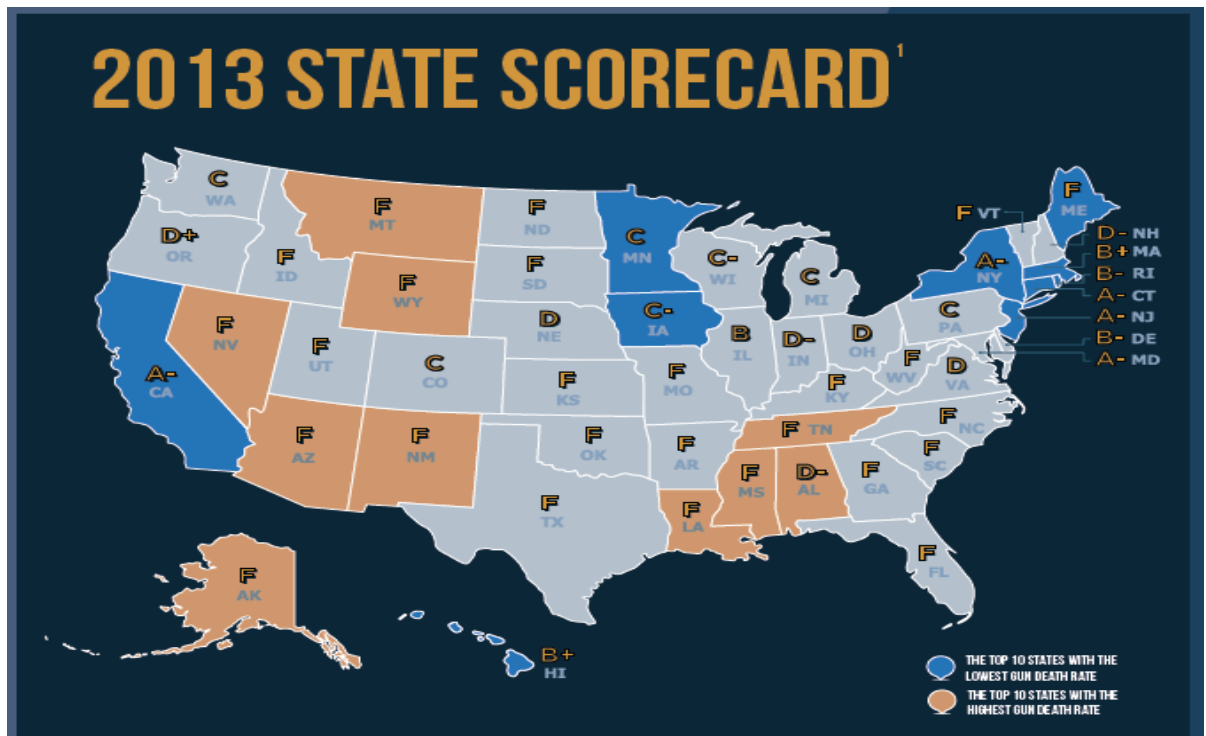
In 1993 the Brady law was passed. This was after an attempted assassination of President Regan in 1981 during which James Brady was shot in the back. This law put in place a waiting period when trying to purchase guns. Further, it required background checks on gun purchases. It also created a national database that was used to conduct the background checks and prevent people who did not pass from purchasing guns. “As of 2014, the Brady law has stopped over 2.1 million gun sales to dangerous people.”¹³

However the gun show “loophole” still exists. The gun show “loophole” refers to the fact that private gun sellers at gun shows are not required under Brady to perform a background check on the individual purchasing a gun from them. This makes the Brady law and the background checks ineffective in a sense, because people rejected through the background checks process can still purchase a gun at gun shows.

¹³ “Our History,” Brady Campaign, 2014, <http://www.bradiycampaign.org/our-history>

The NRA opposed the Brady bill prior to it being passed saying that,“waiting periods do not keep criminals from acquiring guns but do deny law-abiding citizens the right to self-protection.”¹⁴ They also felt Brady violated Americans’ constitutional rights to own guns, by delaying when they could purchase guns.

Figure 1: Brady 2013 State Scorecard¹⁵



NICS Improvement Amendment Act of 2007

“The [National Instant Criminal Background Check System] (NICS) Improvement Amendment Act of 2007 (NIAA), P.L. 110-180, was signed into law by the President on

¹⁴ “Rifle Group Restates Opposition To Bill Delaying Gun Purchases,” The New York Times, April 15, 1991, <http://www.nytimes.com/1991/04/15/us/rifle-group-restates-opposition-to-bill-delaying-gun-purchases.html>

¹⁵ “2013 State Scorecard: Why gun laws matter,” Brady Campaign, 2013, <http://www.bradiycampaign.org/sites/default/files/SCGLM-Final10-spreads-points.pdf>

January 8, 2008.”¹⁶ It was passed as a way to close the loopholes in the NICS database. The lack of a complete database had allowed the Virginia Tech mass shooter to purchase a gun, even though he had a history of mental illness. The NICS amendment act provides incentives for states to provide mental history records to the federal government. This can lead to a more complete and comprehensive NICS database. A more complete database can be used to conduct more accurate background checks. This can keep felons and the mentally ill from purchasing guns.

Assault weapons ban

Generally speaking, an “assault weapon” is considered to be a military style weapon capable of providing by a selector switch either semiautomatic—that is, the firearm discharges one round, then loads a new round, each time the trigger is pulled until the magazine is exhausted—or a fully automatic firearm—that is, continuous discharge of rounds while the trigger is depressed until all rounds are discharged.¹⁷ In 1994, the federal assault weapons ban was passed which made it illegal to possess magazines with more than ten rounds of ammunition. This law expired in 2004, and Attorney General Eric Holder had tried to reinstate the ban unsuccessfully. The number of mass shootings per year has doubled since the ban expired.¹⁸ Critics state that “only 18 firearm models

¹⁶ “The NICS Improvement Amendments Act of 2007,” Bureau of Justice, 2014, <http://www.bjs.gov/index.cfm?ty=tp&tid=49>

¹⁷ Vivian S. Chu, “Federal Assault Weapons Ban: Legal Issues,” Congressional Research Service, February 14, 2013, <http://fas.org/sgp/crs/misc/R42957.pdf>

¹⁸ Elizabeth Hartfield, “The Assault Weapons Ban: What Was It and Did It Work?,” ABC News, December 18, 2012, <http://abcnews.go.com/Politics/OTUS/newtown-connecticut-shootings-assault-weapons-ban-work/story?id=18000724>

were explicitly banned. But it was easy for gun manufacturers to modify weapons slightly so that they didn't fall under the ban.”¹⁹

Laws to protect gun owners

Firearm Owners Protection Act of 1986

Congress passed the Firearm Owners Protection Act of 1986 because they feared the federal government was abusing its power by tightening control on gun dealers and gun owners. The act limits gun dealers be inspected at most once a year and also prevents the federal government from creating a national registry of gun ownership.²⁰

In 1996, a law passed made it illegal for the CDC to receive federal funds to study gun violence.²¹ Opposition arguments state that CDC is the center for disease control and gun violence is not a disease.²²

¹⁹ Brad Plumer, “Everything you need to know about the assault weapons ban, in one post,” The Washington Post, December 17, 2012, <http://www.washingtonpost.com/blogs/wonkblog/wp/2012/12/17/everything-you-need-to-know-about-banning-assault-weapons-in-one-post/>

²⁰ “History of gun-control legislation,” The Washington Post, December 22, 2012, http://www.washingtonpost.com/national/history-of-gun-control-legislation/2012/12/22/80c8d624-4ad3-11e2-9a42-d1ce6d0ed278_story.html

²¹ Erica Pearson, “NRA lobbying led to law that stopped CDC from using federal funds to study gun violence,” Daily News, May 29, 2014, <http://www.nydailynews.com/news/national/funds-studies-gun-violence-article-1.1809263>

²² Lois Beckett, “Democrats Push to Restart CDC Funding for Gun Violence Research,” Propublica, May 21, 2014, <http://www.propublica.org/article/democrats-push-to-restart-cdc-funding-for-gun-violence-research>

Unsuccessful measures, mass shootings and studies done

In 1999, after the Columbine massacre, Democrats had tried to close the “gun show loophole” but were unsuccessful.²³

In 2007, the Virginia Tech mass shooter had obtained his gun legally despite having been ordered to outpatient mental health care. After the incident, Biden pushed for more serious universal background checks.²⁴ However nothing came about as a result of these efforts.

“On April 17th, 2013, the bill for expanded background checks on gun buyers failed in the Senate, just short by 5 votes.”²⁵ This happened despite the fact that in 2012 Adam Lanza had open fired in an elementary school in Connecticut and James Holmes open fired in a movie theater in Aurora, Colorado.

In 2014, the Harvard school of public health did a study on homicide rates in the US and found that in developed countries, more guns equals more homicides. More guns per household and states with more guns had higher rates of homicide.²⁶

²³ Alec MacGillis, “This is How the NRA Ends,” New Republic, May 28, 2013, <http://www.newrepublic.com/article/113292/nras-end-real-gun-control-movement-has-arrived>

²⁴ Morgan Whitaker, “Lessons from Va. Tech shooting shape Biden’s pitch on background checks,” MSNBC, October 2, 2013, <http://www.msnbc.com/politicsnation/lessons-va>

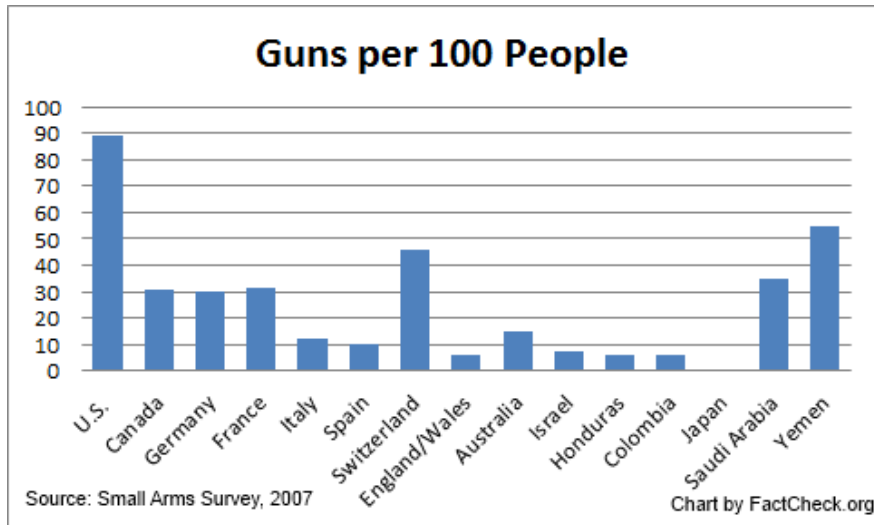
²⁵ Alec MacGillis, “This is How the NRA Ends,” New Republic, May 28, 2013, <http://www.newrepublic.com/article/113292/nras-end-real-gun-control-movement-has-arrived>

²⁶ Matthew Miller, Deborah Azrael, David Hemenway, “Harvard Injury Control Research Center: Homicide,” Harvard School of Public Health, 2014, <http://www.hsph.harvard.edu/hicrc/firearms-research/guns-and-death/>

BACKGROUND

There are three types of gun related deaths: Suicides, Homicides and Accidental.

Figure 2: Guns per 100 people²⁷



The US has the highest rate of gun ownership in the world. The number of firearm deaths by “intentional self harm” was 16,599 in 1999, and 18,735 in 2009 – a 13% increase, according to the CDC.²⁸

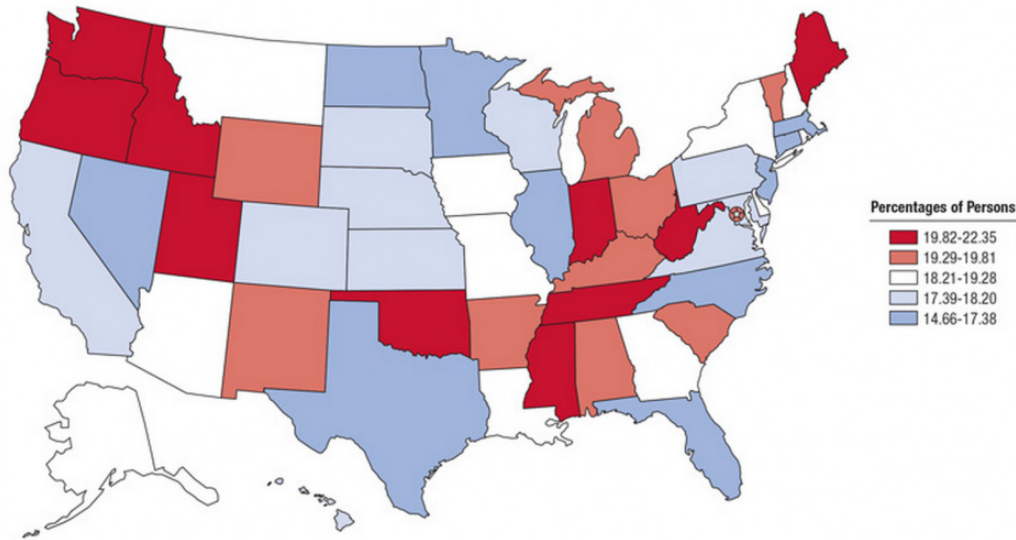
The majority of gun related deaths in the US every year are suicides amounting to 61% of all gun related deaths. This translates to approximately 19,000 lives lost annually due to gun related suicides in the US. Homicide makes up 35% of gun deaths every year. Accidental deaths due to guns make up the remaining 4% of gun deaths. “The number of

²⁷ Robert Farley, Lori Robertson, Eugene Kiely, “Gun Rhetoric vs. Gun Facts,” FactCheck, December 21, 2012, <http://www.factcheck.org/2012/12/gun-rhetoric-vs-gun-facts/>

²⁸ Kelly Kennedy, “Death rates from guns, traffic accidents converging,” USA Today, January 9, 2013, <http://www.usatoday.com/story/news/nation/2013/01/09/guns-traffic-deaths-rates/1784595/>

firearms injuries remains high in the United States, compared with most of the rest of the world. Firearm suicide rates are strongly impacted by the rate of gun ownership.”²⁹

Figure 3: Mental Illness Rates by States



Source: SAMHSA, Center for Behavioral Health Statistics and Quality, National Surveys on Drug Use and Health (NSDUHs), 2011 (revised October 2013) and 2012.

“Mass shootings took place in Virginia, Arizona, Colorado, and Connecticut where mental health history was missing from the background check, or the gun was purchased by someone else and used by the shooter.”³⁰

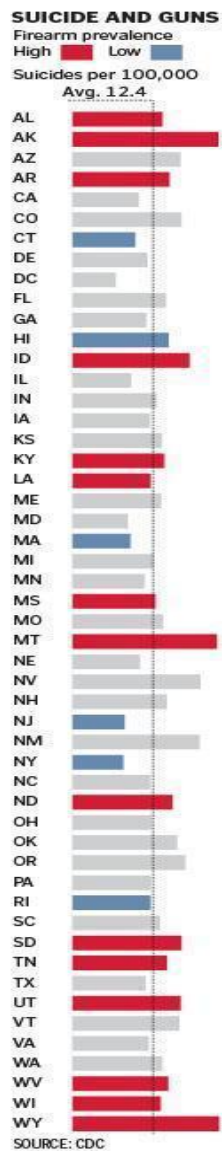
Some studies suggest that suicide isn’t a gun problem but rather a mental health problem, but is it hard to deny that guns exacerbate the problem.³¹ Because death is almost sure with a gun, there is no turning back.

²⁹ “Gun Control Issues, Public Health, and Safety,” Utah Med, 2014, <http://library.med.utah.edu/WebPath/TUTORIAL/GUNS/GUNSTAT.html>

³⁰ Diane R. Girardot, “How to prevent suicide and other gun deaths,” Philly, August 8, 2014, <http://www.philly.com/philly/blogs/healthcare/How-to-prevent-suicide-and-other-gun-deaths-.html?c=r>

³¹ Jennifer Bendery, “Suicide Is Leading Cause Of Gun Deaths, But Largely Absent In Debate On Gun Violence,” Huffington Post, May 14, 2013, http://www.huffingtonpost.com/2013/05/14/guns-suicide_n_3240065.html

Figure 4: Suicides and Gun Prevalence by State



A study found that “in a group of adolescents in Pittsburgh who died by committing suicide, 72 percent lived in households with guns”³²

Low gun prevalence has a positive correlation to fewer suicides according to data provided by the CDC.³³ The CDC collects data about firearms deaths but conducts no research.

“Suicides are higher in states where gun ownership is more prevalent.”³⁴ “A few studies have been done showing that gun permit and licensing requirements as well as background checks and waiting periods lowered suicide rates. In other words, part of the price we pay for not enacting what has been called common-sense gun regulations is the preventable suicide of fellow citizens with mental illness.”³⁵

³² D.A. Brent, J.A. Perper, C.J. Allman, G.M. Moritz, M.E. Wartella, J.P. Zelenak, “The presence and accessibility of firearms in the homes of adolescent suicides. A case-control study,” NIH, December 4, 1991, <http://www.ncbi.nlm.nih.gov/pubmed/1820470>

³³ Leon Neyfakh, “The gun toll we’re ignoring: suicide,” The Boston Globe, January 20, 2013, <http://www.bostonglobe.com/ideas/2013/01/20/the-gun-toll-ignoring-suicide/xeWBHDHEvvagfkRIU3CfZJ/story.html>

³⁴ Karin Kiewra, “Guns and suicide: A fatal link,” Harvard School of Public Health, Spring 2008, <http://www.hsph.harvard.edu/news/magazine/guns-and-suicide/>

³⁵ Todd Essig, “The Myth Of Mental Illness and Gun Violence,” Forbes, June 28, 2014, <http://www.forbes.com/sites/toddessig/2014/06/28/the-myth-of-mental-illness-and-gun-violence/>

Studies have shown that “that between 85 and 90 percent of people who shoot themselves die as a result, while the percentage of people who die using other means is vastly lower”³⁶ This is because suicide is often an impulse act. People who have attempted suicide and survived are often glad. With a gun, there is almost no opportunity of recovering the life lost.

Expert analysis shows that for people who are suicidal, “Every minute you can delay them increases the chance that they might survive,” said David Litts, the executive secretary of the National Action Alliance for Suicide Prevention.”³⁷

The ATF currently has a personal firearms record document for every person to fill out in case his or her firearm is stolen.³⁸

A Harvard study suggests that gun owners do not have higher rates of mental illness than non-gun owners, yet more gun ownership has a positive correlation with more suicides. “Gun owners are at a higher risk of suicide in general,” she said, adding that they are not more likely to screen higher for suicidal tendencies or depression. “It’s just that they’re more likely to die because of the greater lethality of guns.”

³⁶ Sara B. Vyrostek, Joseph L. Annett, George W. Ryan, “Surveillance for Fatal and Nonfatal Injuries --- United States, 2001,” CDC MMWR, August 2004, <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5307a1.htm>

³⁷ Leon Neyfakh, “The gun toll we’re ignoring: suicide,” The Boston Globe, January 20, 2013, <http://www.bostonglobe.com/ideas/2013/01/20/the-gun-toll-ignoring-suicide/xewBHDHEvvagfkRIU3CfZJ/story.html>

³⁸ “Personal Firearms Record,” ATF, August 2013, <https://www.atf.gov/sites/default/files/assets/pdf-files/atf-p-3312-8.pdf>

Further, the study suggests that adolescents, who commit suicide, use the family gun.³⁹ Levels of gun prevalence can best explain difference in suicide rates across the US. NIH conducted a study that found similar results. “Having a gun at home is a risk factor for adults to be shot fatally (gun homicide) or commit suicide with a firearm”⁴⁰

“Suicidal acts are often prompted by a temporary surge of rage or despair, and most people who attempt them do not die. In a 2001 study of 13- to 34-year-olds in Houston who had attempted suicide but were saved by medical intervention, researchers from the C.D.C. found that, for more than two-thirds of them, the time that elapsed between deciding to act and taking action was an hour or less. The key to reducing fatalities, experts say, is to block access to lethal means when the suicidal feeling spikes.”⁴¹

Key groups and individuals in this issue

Pro guns: The National Rifle Association (NRA) lobbies congress for promoting gun rights. The Republican Party and a few Democrats in the Senate who recently rejected President Obama’s bill on gun control are pro guns.

³⁹ Matthew Miller, Deborah Azrael, David Hemenway, “Harvard Injury Control Research Center: Suicide,” Harvard School of Public Health, 2014, <http://www.hsph.harvard.edu/hicrc/firearms-research/gun-ownership-and-use/>

⁴⁰ D.J Wiebe, “Homicide and suicide risks associated with firearms in the home: a national case-control study,” NIH, June 2003, <http://www.ncbi.nlm.nih.gov/pubmed/12764330>

⁴¹ Sabrina Tavernise, “To Reduce Suicide Rates, New Focus Turns to Guns,” The New York Times, February 13, 2013, <http://www.nytimes.com/2013/02/14/us/to-lower-suicide-rates-new-focus-turns-to-guns.html?pagewanted=all>

Position on the issue: The NRA has stated firearms do not cause suicide. They merely implement suicide. “These people need help and would commit the act through a different medium if they didn’t have access to guns.”⁴² They also cite counter studies where states with more lax gun laws have fewer killings than states with more gun control. “Legal guns are easily obtained in Houston, which has a relatively low murder rate, but hard to come by in Chicago, which has a high murder rate.”⁴³ The NRA support the second amendment freedom stated within the Constitution.

The members of the Senate who rejected expanded universal background checks do not think background checks will effectively prevent deaths. “RA's Chris Cox called the expanded background check proposal “misguided,” saying it would not reduce violent crime “or keep our kids safe in their schools.”⁴⁴

Weaknesses regarding the position: “In the 1920s and 1930s, the NRA’s leaders helped write and lobby for the first federal gun control laws—the very kinds of laws that the modern NRA labels as the height of tyranny.”⁴⁵ Up until the 60s and 70s the NRA was for gun safety. Only in the recent history has the NRA turned into a gun rights group. The NRA also has turned a blind eye towards the situation at hand: over 30,000

⁴² “Suicide And Firearms,” NRA-ILA, November 6, 1999, <http://www.nraila.org/news-issues/fact-sheets/1999/suicide-and-firearms.aspx>

⁴³ Dave Gilson, “NRA Fires Back in Defense of Gun Myths,” Mother Jones, March 7, 2013, <http://www.motherjones.com/politics/2013/03/nra-mother-jones-gun-myths-videos>

⁴⁴ Ted Barrett, Tom Cohen, “Senate rejects expanded gun background checks,” CNN, April 18, 2013, <http://www.cnn.com/2013/04/17/politics/senate-guns-vote/>

⁴⁵ Steven Rosenfeld, “The NRA once supported gun control,” SALON, January 14, 2013, http://www.salon.com/2013/01/14/the_nra_once_supported_gun_control/

gun related deaths take place in the US every year. “The NRA has steadfastly stood against learning anything systematic about this well-documented phenomenon, we don’t really know what’s happening and why”⁴⁶

Pro-gun control: Supporters of gun control include family members or friends of people who committed suicide by guns, President Obama who recently tried to pass a gun control bill, along with Vice President Biden, Senator Giffords who was shot by a gun and survived, along with her husband Mark Kelly, members of the Brady Campaign movement, Michael Bloomberg and his research team on gun control.

Position on the issue: People for gun control cite polls that show that 90% of Americans support some sort of background checks.⁴⁷ Even pro-gun people would not want guns in the hands of criminals or the mentally ill. People for gun control have a position on the issue that background checks would deter the next mass shooter. They want a ban of assault weapons and limit magazines, as well as closing the loopholes on background checks.⁴⁸ They urge gun responsibility and reducing gun violence.

Weaknesses regarding the position: Senator Giffords was pro-gun until she was shot and her husband and her still continue to own guns.

⁴⁶ Roger Kay, “Who Knew? The Leading Cause Of Gun Death Is Suicide,” Forbes, January 22, 2013, <http://www.forbes.com/sites/rogerkay/2013/01/22/who-knew-the-leading-cause-of-gun-death-is-suicide/>

⁴⁷ Ted Barrett, Tom Cohen, “Senate rejects expanded gun background checks,” CNN, April 18, 2013, <http://www.cnn.com/2013/04/17/politics/senate-guns-vote/>

⁴⁸ Susan Parnas, “Summary: President Obama’s Gun-Control Proposals,” National Conference of State Legislatures, 2014, <http://www.ncsl.org/research/civil-and-criminal-justice/summary-president-obama-gun-proposals.aspx>

President Obama's Gun Control Proposal

President Obama's comprehensive gun control proposal did not pass both houses of congress earlier this year.⁴⁹ This proposal

- “Requires background checks for all gun sales and strengthens the background check system. This would include removing barriers under the Health Insurance Portability and Accountability Act so that states may more freely share information about mental health issues involving potential gun purchasers.
- Provides states with monetary incentives—\$20 million in fiscal year FY 2013 and a proposed \$50 million in FY 2014—to share information so that records on criminal history and people prohibited from gun ownership due to mental health reasons are more available.
- Provides additional tools to law enforcement. The plan proposes a crackdown on gun trafficking by asking Congress to pass legislation that closes “loopholes” in gun trafficking laws and establishes strict penalties for “straw purchasers” who pass a background check and then pass guns on to prohibited people.
- Launches a national gun safety campaign to encourage responsible gun ownership and authorizes the Consumer Product Safety Commission to examine issues relating to gun safety locks.
- Improves mental health awareness through enhanced teacher training and referrals for treatment. The plan calls for the training of 5,000 additional mental health professionals nationwide. The plan also calls for coverage of mental health treatment under the Patient Protection and Affordable Care Act and the Mental Health Parity and Addiction Equity Act of 2008.”

⁴⁹ Ibid.

DESCRIPTION OF POLICY PROPOSAL

The policy proposal described below would attempt to address the problem of gun related suicides, along with reducing general gun violence incidents as well. The policy proposal consists of amending a current law in order to create a more complete database that can be used to perform thorough background checks before a person purchases a gun.

Policy authorizing tool

Current law

“On November 30, 1993, the Brady Handgun Violence Prevention Act was enacted, amending the Gun Control Act of 1968. The Brady Law imposed as an interim measure a waiting period of 5 days before a licensed importer, manufacturer, or dealer may sell, deliver, or transfer a handgun to an unlicensed individual.”⁵⁰ Brady also led to the creation of a federal database (National Instant Criminal Background Check System or NICS) as a means of an instant background checks to deter criminals from purchasing guns.

The National Instant Criminal Background Check System is a database that provides information on a potential gun buyer regarding whether they have a criminal record or not.⁵¹

⁵⁰ “Brady Law,” Bureau of Alcohol, Tobacco, Firearms and Explosives, 2014, <https://www.atf.gov/content/firearms/firearms-industry/brady-law>

⁵¹ “National Instant Criminal Background Check System,” FBI, 2014, <http://www.fbi.gov/about-us/cjis/nics>

New legislation

The NICS system has felon data and mental health data from states that volunteer to share such information. A Supreme Court ruling in 1997 ‘Printz v. US’ states that the federal government cannot force the states to submit records.⁵² This policy proposal would have you seek passage of legislation that would incentivize all states to provide the federal government with mental health data on a frequent basis.

Policy implementation tool/mechanism

The current NICS database has led to more than 700,000 gun purchase denials. However, the database has incomplete information. Currently, only 36 states voluntarily provide mental history data to the federal government. The rest either do not have the technology to upload records in an electronic format or have conflicting state laws that do not allow the states to submit records to the federal government.

Stick: Federal Funding

The NICS Mental History Act would require states to collect and provide mental history records to the NICS database on at least a quarterly basis. To ensure compliance, any states failing to meet this requirement would lose 10% of their federal funding for the Community Mental Health Services Block Grant.⁵³

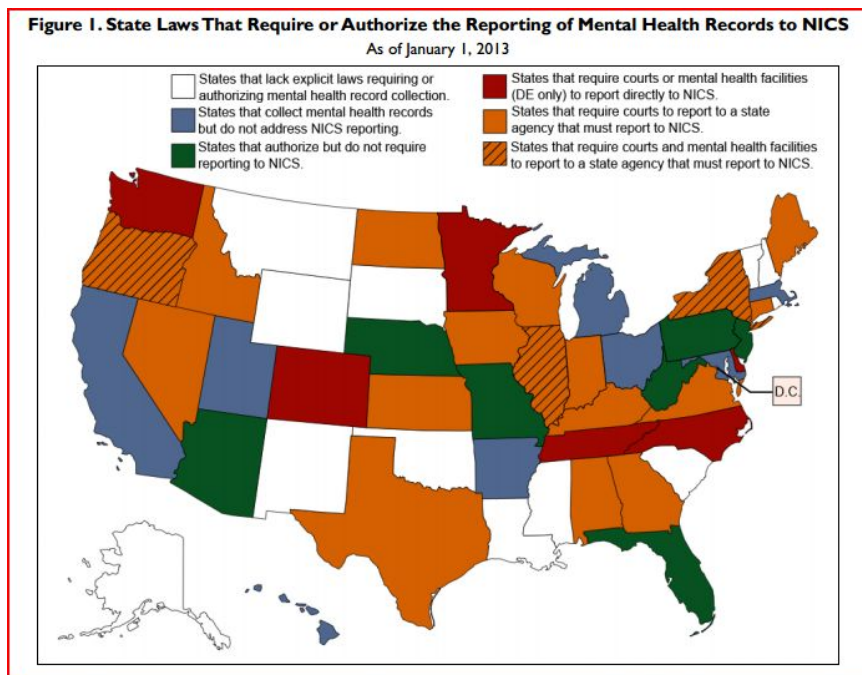
⁵² Sarah Ferris, “Lack of data makes it hard for background checks system to work properly,” The Washington Post, August 28, 2014, http://www.washingtonpost.com/world/national-security/lack-of-data-makes-it-hard-for-background-checks-system-to-work-properly/2014/08/28/d166c1b4-2ed8-11e4-be9e-60cc44c01e7f_story.html

⁵³ Robert J. Dilger, Eugene Boyd, “Block Grants: Perspectives and Controversies,” Congressional Research Service, July 15, 2014, <http://fas.org/sgp/crs/misc/R40486.pdf>

The Substance Abuse and Mental Health Administration (SAMHSA) agency within the Department of Health and Human Services would enforce this mandate. The states will be given a period of one year to comply with this new law. In FY 2012-13, the statewide funding amount for California, for example, was \$57,438,409.⁵⁴ This mandate would cost a state such as California \$5.7 million a year if they did not comply with the law.

States in white, blue, and green below will need to be particularly incentivized to submit records in order to have a more complete database.

Figure 5: State Laws that Require or Authorize the Reporting of Mental Health Records to NICS⁵⁵



⁵⁴ “Community Mental Health Block Grant,” California Department of Health Care Services, 2014, <http://www.dhcs.ca.gov/services/MH/Pages/MHBG.aspx>

⁵⁵ Edward C. Liu, Erin Bagalman, Vivian S. Chu, C. Stephen Redhead, “Submission of Mental Health Records to NICS and the HIPAA Privacy Rule,” Congressional Research Service, <http://fas.org/sgp/crs/misc/R43040.pdf>

POLICY ANALYSIS

Implementation feasibility

Cons: States that may want to comply with the new law may not be able to. “Impediments cited by the GAO included states’ aging computer systems, problems integrating existing record systems, and state privacy laws.”⁵⁶ Additionally, there is a “lack of communication between state agencies. Mental health records are kept in a variety of offices that don’t all talk to each other.”⁵⁷

Effectiveness

The effectiveness goal of this new law is to create a complete and more thorough federal database that can stop mentally ill individuals from purchasing guns.

Pros: The new law will be more effective than the current NIIA law and other proposed laws because states no longer would have the discretion to determine who might be unfit to own guns. “To be prohibited from having a firearm, [currently] a person has to be involuntary committed or found to pose a danger to himself or others.”⁵⁸ “Mentally ill” will be defined through the regulations written by SAMHSA as anyone voluntarily or involuntarily seeking mental help. Thus the states cannot choose which

⁵⁶ Maureen Groppe, “Checking gun buyers for mental illness hinges on states,” USA Today, March 28, 2013, <http://www.usatoday.com/story/news/nation/2013/03/28/gun-control-background-checks-mentally-ill/2028689/>

⁵⁷ Jen Christensen, “How the violent mentally ill can buy guns, CNN Health, February 5, 2013, <http://www.cnn.com/2013/01/30/health/mental-illness-guns/>

⁵⁸ Joe Palazzolo, “On Guns and Mental Health: Feds Issue New Regulations,” The Wall Street Journal, January 3, 2014, <http://blogs.wsj.com/law/2014/01/03/on-guns-and-mental-health-feds-issue-new-regulations/>

records they want to submit to the FBI. All records must be submitted in order build the most complete database.

Cons: 10 percent cut in mental health grants may not be enough of a stick to ensure a 100 percent compliance among states.

There is no real way to measure if the states are, indeed, sending all the records to the federal government or are picking and choosing which ones to send. “It’s possible some states are over reporting, and it certainly appears that some states are under reporting or not reporting at all,” Honberg said.⁵⁹

A similar amendment to the Brady Law already exists. The NICS Improvement Act of 2007 was passed after the Virginia Tech shooting incident.

“The National Instant Criminal Background Check System Improvement Amendments Act of 2007 (NIAA) requires states to report reasonable estimates of the number of records available to the National Instant Criminal Background Check System (NICS).”⁶⁰ “To start, the sheer number of records available in the NICS Index is much

⁵⁹ Maureen Groppe, “Checking gun buyers for mental illness hinges on states,” USA Today, March 28, 2013, <http://www.usatoday.com/story/news/nation/2013/03/28/gun-control-background-checks-mentally-ill/2028689/>

⁶⁰ Richard Schauffler, Shauna Strickland, Ashley Mason, “NICS Improvement Amendments Act: State Records Estimates Development and Validation Project: Year One Report,” National Center for State Courts, September 30, 2010, <https://www.ncjrs.gov/pdffiles1/bjs/grants/232195.pdf>

larger than just a few years ago.”⁶¹ However, this program has not been found to be as successful as expected. “As of October 30, 2011, the number of records maintained in the NICS Index Mental Defective File totaled 1.3 million. A significant percentage of these records, however, are from a small number of states.”⁶²

A two-year analysis report recommended changes to further increase the number of records in the NICS database. Among these recommendations were two significant ones: technical assistance to states to overcome the technological barrier with submitting the reports and meeting with the states’ representatives to listen to the major issues with reporting of mental history records. The reporting percentages for states were higher for year 2 (79%) than year 1 (75%).”⁶³

Efficiency

Pros: The policy will either save the federal government money if the states do not comply or will lead to a better NICS database if the states do comply.

Cons: The implementation of this policy would increase the workload of the SAMHSA agency employees due to the extra time spent overseeing mental health block

⁶¹ David Cuthbertson, “Statement Before the Senate Judiciary Committee, Subcommittee on Crime and Terrorism,” FBI, November 15, 2011, <http://www.fbi.gov/news/testimony/the-fix-gun-checks-act-better-state-and-federal-compliance-smarter-enforcement>

⁶² Ibid.

⁶³ Richard Schauffler, Shauna Strickland, Anne Gallegos, “NICS Improvement Amendments Act: Year two report,” National Center for State Courts, December 2011, <https://www.ncjrs.gov/pdffiles1/bjs/grants/236908.pdf>

grants to states. Further, SAMHSA employees will also have to coordinate with the FBI to make sure states have been complying with the law.

States may conduct a cost benefit analysis and decide that the 10 percent loss in grant money is not worth the cost of having to change their state laws or update their outdated systems. Thus states might continue to not submit to the NICS database.

Equity/Fairness

Pros: The new law will allow for a more complete database that will deter the mentally ill from purchasing guns to harm themselves or others.

Cons: Some people may feel a violation of their privacy if their mental health data is shared with the federal government. The information in the database could be “hacked” and released publicly if adequate protections are not in place.

States have their own privacy laws that would conflict with this new federal law. The new law may also take away from states’ rights. Some states currently have laws that prohibit them from sharing records of the mentally ill with the federal government. These state laws will have to be changed if the state wants to comply with the new federal law, but the states may not want to do that.

Further, this new law may take away from peoples' second amendment rights for all to bear arms. "The vast majority of mentally ill people are not violent."⁶⁴

Administrative capacity

Pros: The SAMHSA agency is in charge of reviewing applications from the states before providing the states with federal grants for mental health management. So, the administrative infrastructure already exists to implement this law in the form of the SAMHSA agency.

Cons: However, SAMSHA and the FBI will require additional resources and capacity to undertake these new responsibilities. The NICS database may receive an influx of records all of a sudden once the one year period has passed since the passing of the law. Thus the database would need to be maintained and organized in a way that makes it easy to run quick background checks on people. There is also the issue of securely storing the records and making sure they do not get hacked. Further, there would be additional burden to coordinate a system between SAMHSA and the FBI to get data on whether the states have been submitting the records in the past year.

Technological capacity

Pros: The NICS database currently has the technology to accept felon data from the states.⁶⁵ So, the technology exists to accept records of mentally ill from the states.

⁶⁴ Bob Adelman, "Using "Mental Health" to Take Away Guns," New American, April 4, 2014, <http://www.thenewamerican.com/usnews/crime/item/17984-using-mental-health-to-take-away-guns>

Cons: However, many states do not have the technology to upload the records into NICS. Several states are using paper forms to document records. They would have to build an electronic record system. Looking at the FBI's National Crime Information Center (NCIC) security measures, something similar would be needed at each state's mental health reporting agencies/hospitals. "The purpose for maintaining the NCIC system of record is to provide a computerized data base for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agencies about crimes and criminals."⁶⁶

There are safeguards in place to make sure that the records remain secure. These include "adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data"⁶⁷ as well as proper screening of people who can enter the facility and employees as well, proper firewalls are built, logs are kept of who has accessed the data, transactions are monitored to make sure there is no misuse of data. The lines used to transmit data from the agency to the FBI is secure, only limited people have access to all records and records are maintained by the agency for the proper amount of time as determined by the agency's record schedule. All these technological considerations will have to be taken into consideration as more states ramp up their mental health record submissions.

⁶⁵ "National Instant Criminal Background Check System," The Federal Bureau of Investigation, November 2010, <http://www.fbi.gov/about-us/cjis/nics/federal-firearms-licensees/nics-information-sheet>

⁶⁶ John Pike, Steven Aftergood, "National Crime Information Center," FBI, June 2, 2008, <http://fas.org/irp/agency/doj/fbi/is/ncic.htm>

⁶⁷ Ibid.

Legality

Pros: The passing of the National Minimum Drinking Age Act of 1984 and other such laws prove that the federal government can withhold assistance to states that fail to comply with national mandates.⁶⁸ We have precedence that shows that states will change their laws to comply with the new federal law, in order to not receive a cut in funding.

Cons: The Department of Health and Human Services has built a “centralized database containing patient medical records and pharmaceutical claim information.”⁶⁹ However, this has made some people skeptical of the government’s intentions on collecting so much personal data. While this is not illegal, collecting vast amounts of data in a centralized database can be looked at with scrutiny.

“Allowing the federal government to create an unprecedented centralized database could be a back door to greater government control—or even a single payer system. Congress needs to do a better job keeping an eye on what HHS is doing in order to prevent further mischief before it starts.”⁷⁰ Disapproval of the NSA tracking personal phone calls shows that Americans are increasingly concerned about their privacy and the safeguarding of their privacy. Finally, there could also be the issue of constitutional legality with people’s second amendment rights.

⁶⁸ “The National Minimum Drinking Age Act of 1984,” Legal Flip, 2014, <http://www.legalflip.com/Article.aspx?id=20&pageid=91>

⁶⁹ Peter Roff, “Big Brother: Obamacare Looks to Collect Private Medical Info,” U.S. News, July 28, 2011, <http://www.usnews.com/opinion/blogs/peter-roff/2011/07/28/big-brother-obamacare-looks-to-collect-private-medical-info>

⁷⁰ Ibid.

POLITICAL ANALYSIS

Likely Support

Public at Large

Pros: According to the Gallup polls conducted between October 2013 to October 2014,⁷¹ on average 48% of Americans felt that more strict laws covering the sale of firearms should be passed as compared with 13.5% of Americans that wanted less strict laws and 37.5% of Americans who wanted to keep the laws as they currently are.

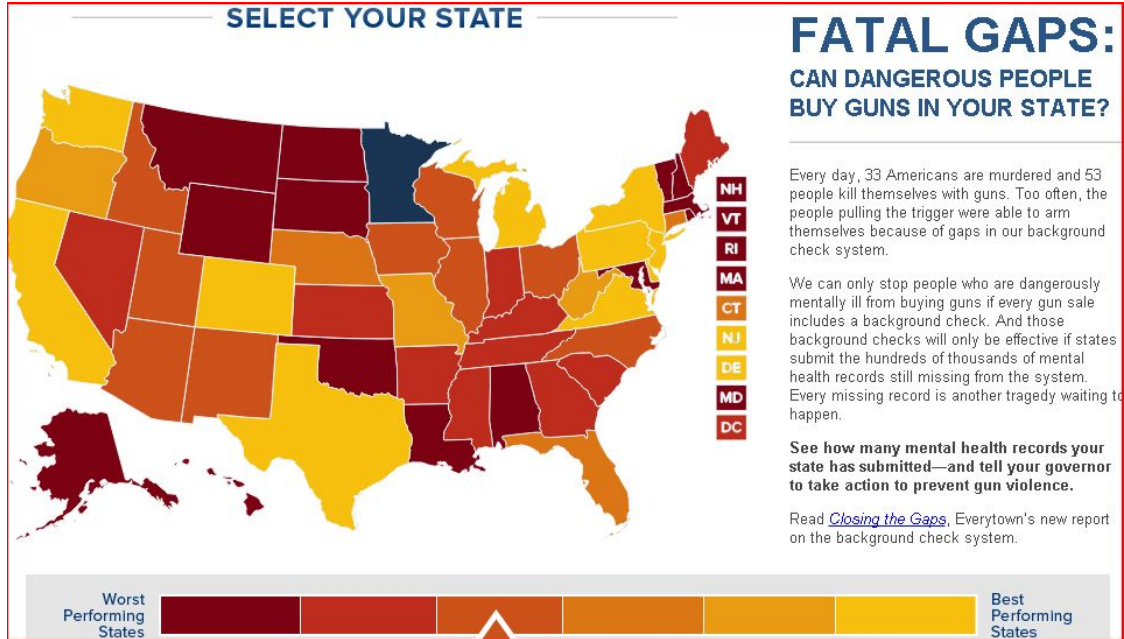
Also in the same poll, American public blamed “failure of the mental health system to identify individuals who are a danger to others”⁷² as the number one reason for mass shootings. 65% of American polled thought that the Senate should have passed the measure to expand background checks for gun purchases. 83% of the people polled said that if they had to vote on it, they would require background checks for all gun purchases. Another survey that Gallup conducted showed that American dissatisfaction with current gun laws are at an all time high since 2001.⁷³

⁷¹ “Guns,” Gallup, 2014, <http://www.gallup.com/poll/1645/guns.aspx>

⁷² Ibid.

⁷³ Rebecca Riffkin, “Americans' Dissatisfaction With Gun Laws Highest Since 2001,” Gallup, 2014, <http://www.gallup.com/poll/167135/americans-dissatisfaction-gun-laws-highest-2001.aspx>

Figure 6: Fatal Gaps: Can Dangerous People in Your State Buy Guns? ⁷⁴



Cons: 60% of Americans polled during the same Gallup poll said they owned guns for personal safety/protection reasons as compared with 5% who owned guns because it was a second amendment right and 4% who said they owned guns because it was a family tradition. 35% of Americans that Gallup polled did not want Senate to pass the extended background checks. The reasons, ranged from their belief that background checks violate second amendment rights to the need to enforce the laws already in place and to issues about background checks being a waste of time and money, issues with increasing bureaucracy and invasion of privacy.

⁷⁴ “Fatal Gaps: Can dangerous people buy guns in your state?,” Everytown for Gun Safety, 2014, <http://act.everytown.org/sign/fatal-gaps>

Twice as many people stated that they would make changes to the mental health system rather than the laws on guns and amount of ammunition. These people believe that guns are not the problem, people are.

Interest groups/Lobby groups: Brady Campaign

The Brady Campaign is a nonprofit organization. The mission statement of the Brady Campaign is “to reform the gun industry by enacting and enforcing sensible regulations to reduce gun violence, including regulations governing the gun industry.”⁷⁵ The Brady Campaign had about 29,000 members as of mid-2012.⁷⁶ Its leader is Dan Gross and tactics it employs are lobbying congress to pass gun control measures. Traditional opponents include the NRA and traditional allies include gun control organizations and parents, among others.

Pros: The FBI, to help implement the Brady Handgun Violence Prevention Act, established the NICS database. Brady background checks are completed through the NICS database. Brady Campaign group advocates and workers want the most comprehensive database system that can prevent the mentally ill from acquiring guns to harm themselves. Background checks have already stopped 1.5 million people from acquiring guns as of 2013.⁷⁷ With a more complete database, this number would be

⁷⁵ “About Brady,” Brady Campaign, 2014, <http://www.bradiycampaign.org/?q=about-brady/>

⁷⁶ “The NRA claims 4.3 million members. The Brady Campaign might have under 29,000,” Daily Kos, July 22, 2012, <http://www.dailykos.com/story/2012/07/22/1112691/-The-NRA-claims-4-3-million-members-The-Brady-Campaign-might-have-under-29-000>

⁷⁷ Glenn Kessler, “The claim that the Brady Law prevented 1.5 million people from buying a firearm,” Washington Post, January 24, 2013, <http://www.washingtonpost.com/blogs/fact-checker/post/the-claim->

larger and more accurate. A background check is only as good as the records in the database.

Likely On Both Sides of the Issue

Media

The media are often polarized on the gun debate issue and their attention span is short. Media sensationalizes and debates gun violence incidents, but typically this does not lead to any policy changes. Mass shootings cause “the media and public to become intensely interested in a policy issue for a brief time, before moving on to other problems.”⁷⁸ “New York City Mayor Michael Bloomberg said the media need to improve their coverage of gun violence, arguing the press pays attention to gun-related deaths only after mass shootings... there is scant coverage of people who are killed by guns every day.”⁷⁹

Pros: Media has the ability to shape the mind of the public. After the tragic incident that occurred with the mass shooter at Virginia Tech, the media and the public at large were for better reporting to the NICS database. Media, reflecting public sentiment, might be for further fixing the NICS database.

[that-the-brady-law-prevented-15-million-people-from-buying-a-firearm/2013/01/23/77a8c1d4-65b4-11e2-9e1b-07db1d2ccd5b_blog.html](http://www.cnn.com/2013/01/23/77a8c1d4-65b4-11e2-9e1b-07db1d2ccd5b_blog.html)

⁷⁸ Danny Hayes, “How media lose interest in gun control,” CNN, January 11, 2013, <http://www.cnn.com/2013/01/11/opinion/hayes-gun-control-attention-span/>

⁷⁹ Holly Bailey, “Bloomberg: Media need to rethink gun violence coverage,” Yahoo News, January 4, 2013, <http://news.yahoo.com/blogs/the-ticket/bloomberg-media-falls-short-covering-gun-violence-151547970--politics.html>

Cons: Media sensationalizes mental health through perpetuating common misconceptions such as “people with mental illness are violent, unpredictable and they don’t get better.”⁸⁰ The media has published several articles why the NICS database is flawed and why it is bad. The media might be against further fixing of the NICS database.

Media articles have also reported that “mental health advocates are worried that the privacy of people who have received treatment for their illnesses could be jeopardized by a White House push to expand a database used to run background checks on gun buyers.”⁸¹ This could lead to negative consequences such as people with mental health issues may not seek out help because of fear of their privacy being compromised. Media articles also report that mental health advocates worry that a hacker could make mental health records public. Media might bring into light the issues of legality of releasing records to the federal database, when it conflicts with some states’ privacy laws.

The cons discussed by media can be mitigated by releasing a transparent law that clearly states how any concerns might be addressed. For example, a guarantee that the database will be secured and confidential, that that database will not be used for any other purpose but background checks for purchasing guns.

⁸⁰ Margarita Tartakovsky, “Media’s Damaging Depictions of Mental Illness,” PsychCentral, 2009, <http://psychcentral.com/lib/medias-damaging-depictions-of-mental-illness/0002220>

⁸¹ Roberta Rampton, “Privacy fears grow as Obama weighs expanded gun-buyer database,” Reuters US, July 9, 2013, <http://www.reuters.com/article/2013/07/09/us-usa-guns-privacy-idUSBRE96815820130709>

Likely Opposition

Interest groups/Lobby groups: NRA

The National Rifle Association (NRA) is a nonprofit group whose mission is to protect and defend Americans second amendment right to bear arms. For nearly a century after, its founding in 1871, the National Rifle Association was among America's foremost pro-gun control organizations.⁸² It was not until 1977 that the NRA as we know it today emerged. "In the 1920s and 1930s, the NRA's leaders helped write and lobby for the first federal gun control laws—the very kinds of laws that the modern NRA labels as the height of tyranny."⁸³ Tactics the NRA uses to influence Congress are spending money on campaigns and lobbying. In 2012 alone, the NRA spent \$32 million on political spending.⁸⁴ Traditional opponents of the NRA include AARP, NAACP, Brady Campaign, different religious organizations, and women's organizations among others.⁸⁵ The NRA had 4.3 million members as of mid 2012.⁸⁶

Cons: "The political influence of the National Rifle Association, which strongly opposes any new gun laws, helps explain why some members of Congress don't support

⁸² Steven Rosenfeld, "The NRA once supported gun control," SALON, January 14, 2013, http://www.salon.com/2013/01/14/the_nra_once_supported_gun_control/

⁸³ Steven Rosenfeld, "The Suprising Unknown History of the NRA," AlterNet, January 13, 2013, <http://www.alternet.org/suprising-unknown-history-nra>

⁸⁴ Chris Cillizza, "How the NRA spent \$32 million on politics in 2012," The Washington Post, January 30, 2013, <http://www.washingtonpost.com/blogs/the-fix/wp/2013/01/30/how-the-nra-spent-32-million-in-2012/>

⁸⁵ John Avion, "NRA's enemies list: Most of America," CNN, February 6, 2013, <http://www.cnn.com/2013/02/06/opinion/avlton-nra-enemy-list/>

⁸⁶ The NRA claims 4.3 million members. The Brady Campaign might have under 29,000," Daily Kos, July 22, 2012, <http://www.dailykos.com/story/2012/07/22/1112691/-The-NRA-claims-4-3-million-members-The-Brady-Campaign-might-have-under-29-000>

measures that large majorities of Americans want.”⁸⁷ NRA is one of the most influential groups today. Some NRA members opposed the NICS database containing a list of mental health patients names because of “overidentification; the law could include too many people who are not at significant risk.”⁸⁸ While 61% of gun related deaths in any given year are related to suicides, the NRA still does believe that having a gun in the home makes people safer.

Congress members

Pros: In 2007, Congress passed the NICS Improvement Act in an effort to gather more records to create a more complete federal level database. “Americans are not calling on Congress to appropriate new federal funds to fix the NICS system. Congress simply needs to do a better job conditioning current federal monies going to the states to incentivize records sharing.”⁸⁹

Cons: However, the NICS Improvement Act has faced roadblocks because of state privacy laws and lack of technology to share records with the federal database. “The existing background check system must be fixed, however, before Congress even considers whether to expand background checks, otherwise we’ll just have more incomplete and inaccurate checks.”⁹⁰

⁸⁷ Danny Hayes, “How media lose interest in gun control,” CNN, January 11, 2013, <http://www.cnn.com/2013/01/11/opinion/hayes-gun-control-attention-span/>

⁸⁸ Lexington, “Why the NRA keeps talking about mental illness, rather than guns,” The Economist, March 13, 2013, <http://www.economist.com/blogs/lexington/2013/03/guns-and-mentally-ill>

⁸⁹ “Facts & Info,” FixNICS, 2014, <http://www.fixnics.org/factinfo.cfm>

⁹⁰ Ibid.

For Congress to pass another law to further fix the NICS system, they will have to first review the results of the 2007 NICS Improvement Act. Some of the same problems with the NICS Improvement Act's lack of success might plague this new law. A GAO audit shared the following recommendations with Congress about the NICS database. "Automated access to this [NICS] information can be improved by--

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format."⁹¹ In general, Congress tends to target mental health awareness and treatment rather than gun control after a mass shooting.⁹²

While it is true that the NICS Improvement Act has faced roadblocks similar to what the new law will likely face, Congress will need to be convinced that this new approach would result in more records submitted to the NICS database as compared with the NICS Improvement Act.

Agencies: HHS/SAMHSA and the FBI

Pros: The Department of Health and Human Services (HHS) wants a more thorough NICS database and thus they have "initiated a rulemaking process to remove unnecessary legal barriers under the Health Insurance Portability and Accountability Act

⁹¹ "Text of the NICS Improvement Amendment Act of 2007," GovTrac, 2008, <https://www.govtrack.us/congress/bills/110/hr2640/text>

⁹² Francine Kiefer, "Why Congress targets mental health, not gun control, after mass killings," CS Monitor, May 30, 2014, <http://www.csmonitor.com/USA/DC-Decoder/2014/0530/Why-Congress-targets-mental-health-not-gun-control-after-mass-killings-video>

(HIPAA) Privacy Rule that may prevent states from reporting to the National Instant Criminal Background Check System (NICS)”⁹³

Cons: The HHS already has another rule making in the process to get states to submit mental health records. As a result, the HHS might not want to go the route of this new law to obtain a more complete NICS database.

“According to data from the FBI’s uniform crime reports, California had the highest number of gun murders in 2011 with 1,220 — which makes up 68 percent of all murders in the state that year and equates to 3.25 murders per 100,000 people.”⁹⁴ California also has among the countries strictest gun controls. So, the FBI has data contradicting the need for an extended federal background check.

To mitigate the cons, the HHS would have to be convinced that this new law is going to lead to more records in the federal database as compared with their rule making. Either way, two sources of acquiring names are better than one. So maybe the new law as well as the HHS rule can be put in place to get the maximum number of records into NICS database. To defend the FBI study on guns in California, the FBI would need to expand their study to other states with different levels of gun control and crime. Further

⁹³ “Obama administration moves to remove barriers to firearm background check reporting,” US Department of Health and Human Services, April 19, 2013, <http://www.hhs.gov/news/press/2013pres/04/20130419a.html>

⁹⁴ Jason Howerton, “The Firearms Statistics That Gun Control Advocates Don’t Want to See,” The Blaze, May 6, 2013, <http://www.theblaze.com/stories/2013/05/06/the-firearms-statistics-that-gun-control-advocates-dont-want-to-see/>

studies on this topic need to be done before the FBI can conclusively conclude anything because correlation does not necessarily mean causation.

Political feasibility of the proposal

The political costs of this policy are that states will have to upgrade their technology and change their laws if they want to comply. This may lead to non-compliance from states that have pro-gun legislators. The media and the NRA could begin to question the future purposes of this rather large database containing the names of all mental health patients in the US and thus lobby Congress to not pass the bill proposed.

The political benefits of this proposal are that the public at large will be happy that something is being done to stop the mentally ill from buying guns to harm themselves or others. The people of the United States will keep in mind the policies that you and your party pushed for, when they go out to vote.

The tradeoff includes not going with this policy and finding another way to stop the mentally ill from purchasing guns. This would require more research, time and debating of other policy ideas.

Given Congress' opposition on the majority of bills related to gun control in the past as well as the current gridlock in Congress, the current political environment suggests that this policy will not pass this Congress.

Further, states and state governors will not be in favor of this bill because it violates several states' current privacy laws. The history of mandates on states is not a pleasant one. States do not like being coerced by the federal government regardless of whether it is in the form of a carrot or a stick. States also do not like withholding of money by the federal government. For example, Obamacare was not successfully implemented at the state level despite the incentives with extra money it offered the states. The states will likely fight the mandate from the federal government and maybe only those states that were voluntarily sending records to the federal government prior to this law will comply with this new law.

The political rationale for pushing this bill is for you to endorse it on record while you are still President. Dissatisfaction with the current gun laws are at an all time high since 2001 and with this NICS Amendment bill you can set the stage for changes to come after your presidency. By endorsing this bill, you will advance the issue further.

RECOMMENDATION

This memo suggests a law proposal that will help build a comprehensive database that can be used to stop or deter the mentally ill, felons and other harmful members of society from purchasing guns. This proposal may not pass Congress for the reasons stated below. But I recommend that you still put forward this proposal to advance and endorse the issue that is of concern to many in America. Every week there is report of a shooting in America. Something needs to be changed.

The law proposal will likely not pass the current Congress given the fact that in the current political environment, there is gridlock in Congress. Besides Congress, some states are not going to like this bill proposal because of the lack of technology to upload records to the NICS database or the state laws that prevent the sharing of records. Some people may be opposed to this bill, since it violates their second amendment right or it might deter the mentally ill from seeking help.

The NICS database has stopped over a million people from obtaining guns through an incomplete database that contains names of felons and the mentally ill. The NICS database is not a perfect database, but the more complete it is, the better the background checks. NICS may not always be able to stop every person who is trying to commit suicide or trying to harm another, but it will be a deterrent if people know they may not be able to obtain a gun.

While the NRA may say that firearms do not cause suicide, a Harvard University correlation study provides evidence that gun owners are at a higher risk of suicide. Suicides attempted with guns are also almost always fatal.

Americans' dissatisfaction with the current gun laws in place is at the highest it has been since 2001 and we cannot afford to do nothing about the issue. 3,000 people died in the world trade center building and we went on a decade long war. Over 30,000 people die every year in our country from an "internal war" and this calls for change. About 19,000 of these 30,000 deaths are suicides. The longer we can keep such people from obtaining a gun, the more the chances of them changing their minds and not wanting to commit suicide.

Gun violence and gun deaths hurt the core of every community, family, neighborhood, city, and state of America. The fact that people do not feel safe in their country is an issue. I recommend that you go ahead with this proposal and work with Congress to give people a sense of safety and security.

Curriculum Vitae

Roshni was born in Bombay, India, where she attended elementary and middle school. She then legally immigrated with her family to the United States in pursuit of excellent quality of higher education. After completing high school at Madison High, Vienna, VA, Roshni was accepted to the College of William and Mary, one of Virginia's finest and oldest schools.

Roshni graduated the College of William and Mary with a major in Finance and a minor in Marketing, along with a concentration in International Business. After that Roshni started working at the Federal Housing Finance Agency as a Financial Analyst. She currently works in the role of credit risk analysis and research.

Along with working full-time, Roshni decided to go back to school part time. Graduate school helped Roshni enhance her policy formulation and writing skills that she did not feel she had adequately developed during her undergraduate years. In December of 2014, Roshni completed her Master's degree in Public Management at the Johns Hopkins University. After completing her Master's degree, Roshni plans on traveling more and spending more time with family and friends, who have supported her all through this journey.