



# **American Bridge**

## **Trump Policy Brief: Making Guns More Accessible for the Mentally Ill**

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## **TRUMP MAKING GUNS MORE ACCESSIBLE FOR THE MENTALLY ILL**

On February 28<sup>th</sup>, 2017, President Trump signed into law H.J.Res. 40, a bill blocking the addition of Social Security Disability Insurance beneficiaries suffering from mental health disorders to the National Instant Criminal Background Check System. The Social Security Administration (SSA) considered a variety of mental health disorders – such as schizophrenia, bipolar disorder, depressive disorder, and others – as mental disabilities that could qualify sufferers for disability insurance benefits.

Adding disability insurance beneficiaries with mental health disorders to the background check system would have protected the general public and, to an even greater extent, those with mental health disorders. Studies have indicated that more than half of mass shootings in America have been committed by people who evidenced signs mental health disorders. Suicide by gun is more commonplace than gun homicide, and people with major depressive disorders were more than four times as likely to kill themselves than others.

H.J.Res. 40 had the support of Republican lawmakers as well as the NRA. Before giving their overwhelming support to the legislation, however, members of the GOP and NRA had repeatedly pointed out the need to consider the role of mental health in mass shootings and other gun violence. Their support for H.J.Res. 40 was nothing short of a flip-flop.

GOP and NRA support for H.J.Res. 40 was also in spite of both groups' constant calls to enforce existing gun laws rather than write new ones. The SSA's intent to submit relevant information to the background check system was consistent with existing law, and in response to guidance issued by President Obama following the Newtown shooting regarding the obligation of federal agencies to do so.

## **Trump Signed H.J.Res. 40, A Bill Blocking The Addition Of Individuals Suffering From Mental Health Disorders To The Gun Purchase Background Check System**

### **THE BILL PREVENTED THE ADDITION OF INDIVIDUALS RECEIVING SOCIAL SECURITY DISABILITY BENEFITS FOR MENTAL DISABILITIES TO THE GUN PURCHASE BACKGROUND CHECK SYSTEM**

**Trump Signed A Bill To Reverse The Obama Administration Rule Requiring The Social Security Administration To Submit Records Of Applicants Who Were “Adjudicated As A Mental Defective” To The National Instant Criminal Background Check System.** According to USA Today, “President Trump killed a regulation that would have tightened gun background checks Tuesday, signing a bill to undo one of his predecessor's executive actions following the San Bernardino shootings in 2015. The Obama administration rule required the Social Security Administration to submit records of mentally disabled people to the National Instant Criminal Background Check System, the FBI database used to determine whether someone can buy a firearm under the 1993 Brady Bill. The rule would have applied to about 75,000 people who were ‘adjudicated as a mental defective’ and who had applied for Social Security benefits, and had a mechanism to notify those affected so they could appeal.” [USA Today, [2/28/17](#)]

- **The Social Security Administration Would Only Submit “The Most Severely Disabled Beneficiaries” To The System.** According to the Social Security Administration, “Under the proposed rule, we would identify, on a prospective basis, individuals who receive Disability Insurance benefits under title II of the Social Security Act (Act) or Supplemental Security Income (SSI) payments under title XVI of the Act and also meet certain other criteria, including an award of benefits based on a finding that the individual’s mental impairment meets or medically equals the requirements of section 12.00 of the Listing of Impairments (Listings) and receipt of benefits through a representative payee. [...] The level of severity described in the Listings—the inability to perform any gainful activity—is such that an individual who is not engaging in substantial gainful activity and who has an impairment that meets or medically equals the requirements of the Listings is generally considered unable to work by reason of the medical impairment alone. Thus, individuals who have a Listing-level impairment are the most severely disabled beneficiaries we serve.” [Social Security Administration, [4/28/16](#)]
- **The Rule Required The SSA To Notify Individuals Potentially Prohibited From Buying Guns And Ways To Appeal.** According to Congressional Quarterly, “Under the final rule, the Social Security Administration is directed to notify individuals at the commencement of the adjudication process of the possible federal prohibition on them possessing or receiving firearms, the consequences of the prohibition, the criminal penalties for violating the Gun Control Act and the availability of relief from the prohibition. The agency is also directed to establish a program that permits individuals to request relief from the federal firearms prohibitions based on Social Security Administration adjudication. The final rule was effective on Jan. 18, 2017, but compliance is not required until Dec. 19, 2017.” [Congressional Quarterly, [1/27/17](#)]
- **The Bill Signed By Trump Was H.J.Res. 40.** According to a release from the White House Office of the Press Secretary, “On Tuesday, February 28, 2017, the President signed into law: [...] H.J.Res. 40, which nullifies the Social Security Administration's rule implementing the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007.” [White House, [2/28/17](#)]

## **THE SOCIAL SECURITY ADMINISTRATION (SSA) CONSIDERS MENTAL DISABILITIES TO INCLUDE SCHIZOPHRENIC, PSYCHOTIC, BIPOLAR, DEPRESSIVE, AND OTHER DISORDERS**

**The SSA Allows Qualifying Individuals Suffering From Neurocognitive, Schizophrenic, Psychotic, Depressive, Bipolar, Anxiety, Obsessive-Compulsive, Somatic Symptom, Personality, And Impulse Control Disorders To Receive Disability Benefits.** According to the Social Security Administration’s “Blue Book,” or “Disability Evaluation Under Social Security,” the following categories of mental disorders may qualify applicants for disability benefits: “neurocognitive disorders (12.02); schizophrenia spectrum and other psychotic disorders (12.03); depressive, bipolar and related disorders (12.04); intellectual disorder (12.05); anxiety and obsessive-compulsive disorders (12.06); somatic symptom and related disorders (12.07); personality and impulse-control disorders (12.08); autism spectrum disorder (12.10); neurodevelopmental disorders (12.11); eating disorders (12.13); and trauma- and stressor-related disorders (12.15).” [Social Security Administration, Blue Book - Disability Evaluation Under Social Security, accessed [3/1/17](#)]

**Keeping Guns Out Of The Hands Of Individuals Considered Mentally Disabled By The SSA Could Help Reduce Gun Violence**

## **MANY MASS SHOOTINGS HAVE BEEN EXECUTED BY PEOPLE WITH SIGNS OF MENTAL HEALTH DISORDERS RECOGNIZED BY THE SSA**

**USA Today Editorial: Many Of The Young Men Responsible For Some Of The Worst Massacres In Recent Years Have Suffered From Severe Mental Problems.** According to an editorial in USA Today, “But it is also true that many of the young men responsible for some of the worst massacres in recent years have suffered from severe mental problems, including Seung Hui Cho, who killed 32 at Virginia Tech; Jared Loughner, killer of six at a Tucson shopping mall; and James Holmes, who killed 12 in a movie theater in Aurora, Colo.” [Editorial – USA Today, [2/20/17](#)]

- **A Mother Jones Analysis Of 85 Mass Shooting From 1982-2017 Found That More Than Half Of The Shooters Evidenced Prior Signs Of Possible Mental Health Problems.** According to Mother Jones, “This dataset originally covered 1982-2012 and has since been expanded through 2017. For more context and analysis, see our Guide to Mass Shootings in America.” The analysis covered 85 mass shootings with 48 shooters identified as having had prior signs of mental illness. [Mother Jones, updated [1/8/17](#)]
- **Minnesota Department Of Corrections Director Of Research And Evaluation Grant Duwe Analyzed 160 Mass Public Shootings Between 1915-2013, Finding That A Minimum Of 61% Involved Shooters Who Had Either Been Diagnosed With A Serious Mental Illness.** According to CNN, “Grant Duwe, director of research and evaluation at the Minnesota Department of Corrections, compiled his own numbers for mass public shootings, finding 160 cases between 1915-2013. Of those, 97 involved shooters who had either been diagnosed with a serious mental illness, or showed signs of one. ‘The 61% is actually a minimum estimate,’ said Duwe, who is also author of the book ‘Mass Murder in the United States: A History.’” [CNN, [7/24/15](#)]

**U.S. News & World Report: Sandy Hook Elementary School Shooter Adam Lanza “Struggled With Mental Illness, A History Of Obsessive-Compulsive Behaviors And A Fascination With Mass Shootings.”** According to U.S. News & World Report, “After nearly a year, families in Newtown, Conn., still do not know why Adam Lanza killed 20 first graders and six adults at Sandy Hook Elementary School before turning a gun on himself. [...] Lanza struggled with mental illness, a history of obsessive-compulsive behaviors and a fascination with mass shootings - particularly the 1999 school shooting in Columbine, Colo., the report said. Yet, none of the mental health specialists he had a record of meeting with predicted he was capable of lashing out violently. While Lanza had seen professionals for his mental issues, but declined medicines prescribed to help him manage his symptoms.” [U.S. News & World Report, [11/25/13](#)]

**The Aurora Movie Theater Killer Of A Dozen People, James Holmes, Was Diagnosed With Schizotypal Personality Disorder.** According to CNN, “[James] Holmes, who was convicted July 16 of killing 12 people at the movie theater in Colorado, has been diagnosed with schizotypal personality disorder, his court-appointed psychiatrist said in testimony. Holmes has pleaded not guilty by reason of insanity.” [CNN, [7/24/15](#)]

**Jared Loughner, Who Killed Six People And Wounded Former U.S. Rep. Gabrielle Giffords, Was Diagnosed With Paranoid Schizophrenia.** According to CNN, “In recent memory, [Jared] Loughner -- the man who killed six people and wounded former U.S. Rep. Gabrielle Giffords in Arizona -- was diagnosed with paranoid schizophrenia. He is serving a life sentence without the possibility of parole after pleading guilty last year to 19 charges in exchange for the government not seeking the death penalty.” [CNN, [7/24/15](#)]

**Virginia Tech Shooter Seung-Hui Cho Had Been Diagnosed With Anxiety Disorder.** According to ABC News, “The missing pieces of the mental health records of Virginia Tech shooter Seung-Hui Cho were

made public today by the university, offering the first glimpse at the medical evaluations Cho underwent prior to committing the deadliest school shooting in U.S. history. [...] The documents released today make no reference to any mental health diagnoses prior to Cho's time as a Virginia Tech student. After the shooting it was reported that Cho had been diagnosed and had received treatment as a young adult for an anxiety disorder.” [ABC News, [8/19/09](#)]

**The Louisiana Movie Theater Killer Of 11 People, John Houser, Was Treated For Mental Health Issues.** According to CNN, “John Russell Houser, who police say shot 11 people -- killing two -- in a Louisiana movie theater on July 24 before killing himself, was treated for mental health issues in 2008 and 2009, according to the sheriff of Russell County, Alabama.” [CNN, [7/24/15](#)]

## **PEOPLE WITH MAJOR DEPRESSIVE DISORDERS WERE FOUR TIMES MORE LIKELY TO KILL THEMSELVES THAN OTHERS**

### **Thousands Of People With Mental Health Disorders Use Guns To Kill Themselves Every Year**

**The Majority Of Gun Deaths In The United States Were Suicides Rather Than Homicides, Reaching 61% In 2010.** According to the Pew Research Center, “Suicides by gun accounted for about six of every 10 firearm deaths in 2010 and just over half of all suicides, according to data from the Centers for Disease Control and Prevention. Since the CDC began publishing data in 1981, gun suicides have outnumbered gun homicides. But as gun homicides have declined sharply in recent years, suicides have become a greater share of all firearm deaths: the 61% share in 2010 was the highest on record.” [Pew Research Center, [5/24/13](#)]

- **One Study Found The Rate Of Suicide By Those With Schizophrenia, Bipolar Disorder, Or Major Depressive Disorder Was Four Times Higher Than That Of The General Population.** According to The Atlantic, “Though big, scary mass shootings get the most attention when it comes to gun violence, 60 percent of deaths caused by firearms are suicides. And another new study in this same issue of Health Affairs emphasizes that suicide, not homicide, is the major public health problem for mentally ill people with guns. In it, Swanson and his colleagues looked at 81,704 people getting public health services for schizophrenia, bipolar disorder, or major depressive disorder in two large Florida counties. They tracked these people’s death records, as well as whether they were barred from owning guns. In that group, the rate of people who died by suicide was four times higher than that of the general population.” [The Atlantic, [6/7/16](#)]
- **Between 6,000 And 18,000 People With Mental Health Problems Killed Themselves With Guns Every Year.** According to an opinion by Mental Illness Policy Org executive director DJ Jaffe in The Hill, “Between 6,000 and 18,000 persons with mental illness kill themselves with guns every year. Approximately half of all mass murders are people with mental illness. And those are just the fatalities. Many more are injured. The Senate resolution takes 75,000 seriously mentally ill who would likely be put in the NICS gun background check system out of it by fiat.” [DJ Jaffe – The Hill, [2/7/17](#)]

### **USA Today Editorial: “Even If The Social Security Policy Would Have Done More To Prevent Suicide Than Mass Murder, That’s Certainly A Worthwhile Goal”**

**USA Today Editorial: “Even If The Social Security Policy Would Have Done More To Prevent Suicide Than Mass Murder, That’s Certainly A Worthwhile Goal.”** According to an editorial in USA Today, “Even if the Social Security policy would have done more to prevent suicide than mass murder, that’s certainly a worthwhile goal. Joining the NRA in opposing the policy were disability and civil rights groups

concerned the policy was too broad and would stereotype too many innocent people. Republican leaders latched onto that as an excuse for repeal. In a perfect world, the rules could be more finely tuned. But in the real world, where mass murders still occur and where more than 20,000 people commit suicide with a gun every year, the definition of insanity is making guns more accessible to disturbed individuals.” [Editorial – USA Today, [2/20/17](#)]

- **Mental Illness Policy Org Executive Director DJ Jaffe: “Making It Easier For The Seriously Mentally Ill To Get Guns Is As Stupid As It Gets.”** According to an opinion by Mental Illness Policy Org executive director DJ Jaffe in The Hill, “Making it easier for the seriously mentally ill to get guns is as stupid as it gets. Between 6,000 and 18,000 persons with mental illness kill themselves with guns every year. Approximately half of all mass murders are people with mental illness. And those are just the fatalities. Many more are injured. The Senate resolution takes 75,000 seriously mentally ill who would likely be put in the NICS gun background check system out of it by fiat.” [DJ Jaffe – The Hill, [2/7/17](#)]

## **H.J.Res. 40 Had The Support Of The GOP And NRA**

### **THE HOUSE AND SENATE PASSED H.J.RES. 40 WITH OVERWHELMING REPUBLICAN SUPPORT**

**H.J.Res. 40 Passed The U.S. House Of Representatives 235-180, With 229 Republican “Ayes” And 2 Republican “Nos.”** [H.J.Res 40, Roll Call 77, [2/2/17](#)]

**H.J.Res. 40 Passed The U.S. Senate 57-43, With 52 Republican “Yeas” And 0 Republican “Nays.”** [H.J.Res. 40, Vote Number 66, [2/15/17](#)]

### **THE NRA IMplored ITS MEMBERS TO TAKE ACTION AGAINST “OBAMA’S SOCIAL SECURITY ADMINISTRATION GUN GRAB!”**

**NRA Blog Headline: “Action Needed On Imminent Senate Vote To Repeal Obama’s Social Security Administration Gun Grab!”** [NRA, [2/10/17](#)]

- **NRA: H.J.Res. 40 “Would Repeal Barack Obama’s Scandalous Attempt To Grab Guns From Thousands Of Law-Abiding Social Security Administration (SSA) Beneficiaries.”** According to the NRA, “Last week, the U.S. House of Representatives issued a strong statement in support of the Second Amendment by passing H.J. Res. 40, which would repeal Barack Obama’s scandalous attempt to grab guns from thousands of law-abiding Social Security Administration (SSA) beneficiaries.” [NRA, [2/10/17](#)]

## **In Supporting H.J.Res. 40, The GOP And NRA Flip-Flopped From Villifying To Purportedly Supporting The Mentally Disabled**

### **2015: DONALD TRUMP BLAMED THE MENTALLY ILL FOR AMERICA’S MASS SHOOTINGS**

**Donald Trump, 2015: America Did Not Have A Gun Problem; The Country Had “A Mental Problem.”** According to CNN, “‘This isn’t a gun problem, this is a mental problem,’ Trump told CNN’s Chris Cuomo on ‘New Day.’ ‘It’s not a question of the laws, it’s really the people.’ Calling the gunman a ‘very

sick man,' Trump said mental illness is 'a massive problem' in the U.S. He suggested more resources should be devoted to addressing mental health -- hoping to prevent shootings like the one in Virginia, which he called 'really, very sad.'" [CNN, [8/27/15](#)]

- **Trump: Gun-Free Zones Were Target Practice For "The Sickos And For The Mentally Ill."** According to The Atlantic, "Donald Trump has done it again. At the third Republican presidential debate Wednesday night, Trump managed to once more offend a large swath of people in one breath. 'I feel that the gun-free zones and, you know, when you say that, that's target practice for the sickos and for the mentally ill,' he told CNBC moderators. 'They look around for gun-free zones.'" [The Atlantic, [10/29/15](#)]

## **IN THE AFTERMATH OF THE NEWTOWN SHOOTING, NRA CEO WAYNE LA PIERRE CRITICIZED "OUR NATION'S REFUSAL TO CREATE AN ACTIVE NATIONAL DATABASE OF THE MENTALLY ILL"**

**In The Aftermath Of The Newtown Massacre, NRA CEO Wayne La Pierre Criticized "Our Nation's Refusal To Create An Active National Database Of The Mentally Ill."** According to the New York Daily News, "Full tex [sic] of NRA CEO Wayne La Pierre's remarks delivered at 11a.m. Friday EST [... :] How many more copycats are waiting in the wings for their moment of fame — from a national media machine that rewards them with the wall-to-wall attention and sense of identity that they crave — while provoking others to try to make their mark? A dozen more killers? A hundred? More? How can we possibly even guess how many, given our nation's refusal to create an active national database of the mentally ill? And the fact is, that wouldn't even begin to address the much larger and more lethal criminal class: Killers, robbers, rapists and drug gang members who have spread like cancer in every community in this country." [New York Daily News, [12/21/12](#)]

- **The NRA Claimed To Support "Putting All Those Adjudicated Mentally Incompetent Into The System, And Deplores The Fact That Many States Are Still Putting Only A Small Number Of Records Into The System."** According to The Economist, "The NRA backs the FBI-run instant background checks system used by gun dealers when selling firearms, Mr LaPierre noted. It supports putting all those adjudicated mentally incompetent into the system, and deplores the fact that many states are still putting only a small number of records into the system." [The Economist, [3/13/13](#)]
- **La Pierre: "We Have A Mental Health System In This Country That Has Completely And Totally Collapsed."** According to The Economist, "The message discipline of the National Rifle Association and congressional allies has been impressive. After an initial period of silence, the NRA came out with a consistent narrative about mass shootings. The problem, said such spokesmen as Wayne LaPierre, the NRA's executive vice-president, was that criminals and the dangerously ill can get their hands on guns. At moments, the NRA and supporters almost sounded like liberal gun-control advocates. 'We have a mental health system in this country that has completely and totally collapsed,' Mr LaPierre told NBC television on December 23rd last year, days after the Newtown murders." [The Economist, [3/13/13](#)]
- **Vox: La Pierre's Call For An Active National Database Of The Mentally Ill Was "A Far More Expansive Proposal Than Anything To Come Out Of The Obama Administration."** According to The Economist, "Shortly after the Newtown massacre, the same National Rifle Association that collaborated with the disability community in opposing the Social Security rule

issued a bizarre and terrifying proposal for ‘an active national database of the mentally ill,’ a far more expansive proposal than anything to come out of the Obama Administration.” [Vox, [2/6/17](#)]

## **REPUBLICAN LAWMAKERS CLAIMED TO BE “REALLY SERIOUS” ABOUT MENTAL HEALTH LEGISLATION AS THE PROPER RESPONSE TO MASS SHOOTINGS**

**After Mass Shootings In Colorado And California, Republican Speaker Paul Ryan Responded That Many Shooters Were Mentally Ill And That Reform Of The Mental Health System Was The Right Response, Claiming Republicans Were “Really Serious About Our Mental Health Legislation.”**

According to Vox, “Republican leaders are turning to mental health reform in response to a pair of mass shootings in recent days, putting new focus on getting a bill passed despite concerns on both sides of the aisle and the divisiveness of the gun debate. After mass shootings in Colorado and California, Speaker Paul Ryan (R-Wis.) cited the mental health reform bill from Rep. Tim Murphy (R-Pa.) throughout the week when questioned about the Republican response to gun violence. In an interview with ‘CBS This Morning’ on Thursday, Ryan was pressed about the shootings, with the Speaker responding that many of the shooters are mentally ill and therefore a reform of the mental health system is the right response. ‘I don’t want to keep saying the same thing over and over,’ Ryan said after the fourth question in a row about actions to take about mass shootings. ‘But one of the things we’ve noticed: There are mental health issues here.’ In holding up the Murphy mental health bill as a response to the shootings, Ryan is raising expectations that it will actually pass. ‘We want to see this process all the way through,’ Ryan told reporters on Tuesday. ‘We’re really serious about our mental health legislation,’ he added on Thursday.” [Vox, [12/6/15](#)]

**Vox: In The Aftermath Of The Newtown Massacre, “Republicans Began Consistently Pointing To Those With Mental Health Diagnoses As The Real Cause Of The Nation’s Gun Violence Problem.”**

According to Vox, “For the past several years, many in the Republican Party have deliberately scapegoated this group in order to shift the [post-Newtown] conversation away from sensible firearms restrictions. [...] Subsequently, congressional Republican leaders began using mental illness as a convenient way of shifting the conversation away from gun control measures. Led by Rep. Tim Murphy (R-PA), who introduced legislation to strip people with psychiatric disabilities of HIPAA privacy protections, limit legal aid to the community, and dramatically expand coercive treatment, Republicans began consistently pointing to those with mental health diagnoses as the real cause of the nation’s gun violence problem.” [Vox, [2/6/17](#)]

## **GOP And NRA Support For H.J.Res 40 Was In Spite Of Their Constant Calls To Enforce Existing Gun Laws**

### **REPUBLICAN LAWMAKERS AND THE NRA CALLED FOR ENFORCEMENT OF EXISTING GUN LAWS RATHER THAN THE IMPLEMENTATION OF NEW ONES**

**2013: Every Republican On The Judiciary Committee Wrote To President Obama Demanding He “Enforce The Laws That Are Already On The Books,” Not Write New Ones**

**2013: All Republican Members Of The Judiciary Committee Sent A Letter To The President And Attorney General Demanding That They “Enforce The Laws That Are Already On The Books.”**

According to a House Judiciary Committee press release, “Today House Judiciary Committee Chairman Bob Goodlatte (R-VA), along with all Republican members of the Judiciary Committee, sent letters to President Obama and Attorney General Eric Holder demanding answers on the lack of enforcement of our nation’s



gun laws. This letter is part of the House Judiciary Committee's on-going examination of ways to prevent gun violence. Chairman Goodlatte released the following statement: [']Before the President demands that Congress push through legislation to stifle the rights of law abiding citizens, he should take care to enforce the laws that are already on the books.[']" [House Judiciary Committee, [2/22/13](#)]

### **2015: Donald Trump Argued "It's Not A Question Of The Laws, It's Really The People"**

**Donald Trump, 2015: "It's Not A Question Of The Laws, It's Really The People."** According to CNN, "Donald Trump said Thursday he is opposed to tightening gun laws in the U.S. but is in favor of addressing mental health to prevent shootings, one day after a man shot two journalists on live television. "This isn't a gun problem, this is a mental problem," Trump told CNN's Chris Cuomo on 'New Day.' 'It's not a question of the laws, it's really the people.' Calling the gunman a 'very sick man,' Trump said mental illness is 'a massive problem' in the U.S. He suggested more resources should be devoted to addressing mental health -- hoping to prevent shootings like the one in Virginia, which he called 'really, very sad.'" [CNN, [8/27/15](#)]

### **The NRA Boasted That It Was The Loudest Advocate Of Enforcing Existing Gun Laws, Condemning Failure To Do So As A "Moral Crime"**

**NRA Executive Vice President Wayne LaPierre: "No Organization Has Been Louder, Clearer Or More Consistent On The Urgent Need To Enforce The Federal Gun Laws Than The NRA."**

According to Forbes contributor Rick Ungar, "Under the existing federal gun laws, [Obama] could take every felon with a gun, drug dealer with a gun and criminal gangbanger with a gun off the streets tomorrow and lock them up for five years or more. But he won't do it, his Justice Department won't do it, and the media never asks why.' LaPierre continued by noting, 'No organization has been louder, clearer or more consistent on the urgent need to enforce the federal gun laws than the NRA.' He is right about that. The NRA is constantly arguing that we do not need new gun laws—we simply need to better enforce the ones we already have." [Rick Ungar – Forbes, [1/6/16](#)]

- **LaPierre: Failure To Enforce The Law Was "Evil" And A "Moral Crime" Which Mean Innocent Blood Would Be On The Hands Of Bill Clinton, Al Gore, Janet Reno And A Host Of Federal Officers And Prosecutors.** According to the Brady Campaign report "[']It's a moral crime for Bill Clinton, Al Gore, Janet Reno and a host of Federal officers and prosecutors to fail to enforce the law. It's evil. And when innocent blood flows, it's on their hands.['] -] Wayne LaPierre[,] Executive Vice President[,] National Rifle Association in American Rifleman[.]'" [Brady Campaign, [3/21/00](#)]

### **ADDING SOCIAL SECURITY DISABILITY RECIPIENTS WITH MENTAL DISABILITIES TO THE BACKGROUND CHECK SYSTEM WAS CONSISTENT WITH EXISTING LAW**

### **Following The Newtown Shooting, President Obama Issued Guidance To Federal Agencies Regarding Their Obligation To Submit Information To NICS**

**After The 2012 School Massacre In Newtown, Connecticut, Obama Directed The Justice Department To Provide Guidance To Agencies Regarding Information They Were Obligated To Report To The Background Check System.** According to FOX News, "After the 2012 school massacre in Newtown, Connecticut, Obama directed the Justice Department to provide guidance to agencies regarding information they are obligated to report to the background check system. The Social Security Administration issued a final rule on Dec. 19 that spells out when the names of beneficiaries must be forwarded to the database that federally licensed gun dealers consult before selling a firearm." [FOX News, [2/2/17](#)]

- **States Were Slow To Provide The Names Of Individuals Prohibited From Owning Firearms, With Ten States Failing To Provide Any Mental Health Records At All To NICS.** According to the Center for American Progress, “But for the system to work better, states must provide the federal government with the names of all the individuals who are prohibited from owning firearms for inclusion in the nationwide database. Though this seems like a common-sense action, states have been slow to provide these records, particularly regarding individuals barred from owning guns due to mental illness. Ten states have failed to provide any mental health records to the National Instant Criminal Background Check System, and 18 others have submitted fewer than 100 records since the creation of the system in 1999.” [Center for American Progress, [1/14/13](#)]

### **Existing Federal Law Required Federal Agencies To Submit Relevant Records To The National Instant Criminal Background Check System (NICS)**

**At The Time The SSA Began The Process Of Submitting Mental Health Information To The NICS, Existing Law Prohibited Buying A Gun When A Mental Health Issue Made Someone Dangerous Or Unable To Manage Their Own Affairs.** According to the White House Office of the Press Secretary, “Current law prohibits individuals from buying a gun if, because of a mental health issue, they are either a danger to themselves or others or are unable to manage their own affairs. The Social Security Administration (SSA) has indicated that it will begin the rulemaking process to ensure that appropriate information in its records is reported to the National Instant Criminal Background Check System (NICS).” [Office of the Press Secretary – White House, [1/4/16](#)]

- **The Social Security Administration Rule Implemented Provisions Of A 2007 Law That Required Federal Agencies To Provide Relevant Records To The Attorney General For Inclusion In The National Instant Criminal Background Check System.** According to a rule posted by the Social Security Administration the Federal Register, “These final rules implement provisions of the NICS Improvement Amendments Act of 2007 (NIAA) that require Federal agencies to provide relevant records to the Attorney General for inclusion in the National Instant Criminal Background Check System (NICS). Under these final rules, we will identify, on a prospective basis, individuals who receive Disability Insurance benefits under title II of the Social Security Act (Act) or Supplemental Security Income (SSI) payments under title XVI of the Act and who also meet certain other criteria, including an award of benefits based on a finding that the individual's mental impairment meets or medically equals the requirements of section 12.00 of the Listing of Impairments (Listings) and receipt of benefits through a representative payee.” [Social Security Administration – Federal Register, [12/19/16](#)]
  - **The National Instant Criminal Background Check System Restricted Firearm Sales To Certain People.** According to Congressional Quarterly, “The National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007 (PL 110-180) requires federal agencies to provide relevant records to the Justice Department for inclusion in the NICS. The NICS restricts firearm sales to certain individuals.” [Congressional Quarterly, [1/27/17](#)]
- **The Gun Control Act Of 1968 Prohibited Gun Sales To “A Mental Defective” Or Anyone Who Had Been Committed To A Mental Institution.** According to The Washington Post, “The Gun Control Act of 1968 prohibits gun sales to individuals who have been committed to a mental institution or ‘adjudicated as a mental defective.’ ‘The federal law pretty much says that anyone who has been involuntarily committed or anyone who has been determined by a court to be a danger to themselves or others, those two categories are prohibited from possessing firearms,’ says Lindsay Nichols, an attorney with the Center to Prevent Gun Violence.” [Washington Post, [12/21/12](#)]