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SUMMARY OF PRESIDENT OBAMA'S GUN CONTROL PROPOSALS

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You asked for a summary of President Obama's gun control proposals.

SUMMARY

President Obama's plan includes both legislative proposals and executive directives that can be implemented without Congressional approval. It includes requiring a background check for all gun sales and bans (1) assault weapons, (2) magazines that hold 10 or more rounds, and (3) armor-piercing bullet possession. The plan also includes proposals to make schools safer and improve mental health services. (For a chart on whether a proposal needs legislative or executive action, see <http://www.washingtonpost.com/wp-srv/special/politics/obama-gun-proposals/index.html>.)

In addition to the \$4 billion proposal to keep 15,000 police officers on the street, the president's plan asks Congress for over \$400 million for initiatives such as additional gun research, grants for hiring and training personnel, and incentives for certain objectives. President Obama is also directing the Department of Justice (DOJ) to invest \$70 million in the next two years to give states a stronger incentive to share data for background checks. (For President Obama's complete proposal, see http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf.)

Some of the proposals do not include specific plans for implementation. All of the president's proposals deal with federal law. Federal gun laws serve as the minimum standard and states may choose to regulate guns more strictly.

After the Newtown tragedy, President Obama appointed Vice President Biden to lead a gun violence task force to provide proposals that would curb gun violence. The task force met with 229 groups, including law enforcement agencies, public health officials, gun advocacy groups, sportsmen and hunters, and religious leaders. The task force submitted its recommendations to President Obama on January 15, 2013. The gun initiatives he presented the next day were based on these proposals.

BACKGROUND CHECKS

President Obama's plan asks Congress to pass a law requiring criminal background checks for all gun sales. Currently, under the federal Brady Handgun Violence Prevention Act, federally licensed gun dealers must conduct background checks on gun buyers using the National Instant Criminal Background Check System (NICS). But private sellers do not have to conduct such checks.

Currently, private sellers can choose to sell their guns through a licensed dealer and thus conduct a background check on the buyer. The proposal is asking for voluntary compliance with this. The administration, through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will send letters to licensed dealers on how to do these checks.

Strengthening Background Checks

The president's plan includes four executive actions designed to strengthen the background check system.

The first addresses unnecessary legal barriers that prevent states from reporting certain relevant information about people prohibited from gun ownership for mental health reasons. Some states have cited restrictions under the Health Insurance Portability and Accountability Act (HIPAA) as the reason for not submitting certain information. The administration will gather information on the scope and extent of this problem.

The second encourages states to share information with the background check system by investing \$20 million in FY 13 and \$50 million in FY 14 to give states stronger incentives to share data on criminal history records and records of people prohibited from having guns for mental health reasons.

The third executive action holds federal agencies accountable for sharing reliable information with the background check system. Through a Presidential Memorandum, the administration is requiring agencies to identify these records, make them available to the background check system, and regularly report that they are complete and up-to-date.

Fourth and finally, the president will direct the Attorney General, in consultation with other relevant agencies, to review the laws on who is prohibited from having guns and make legislative and executive recommendations to ensure that these laws cover all dangerous people.

BANS ON ASSAULT WEAPONS AND LARGE CAPACITY MAGAZINES

President Obama's plan bans (1) military-style assault weapons, (2) magazines that hold 10 or more bullets, and (3) possession of armor-piercing ammunition.

Assault Weapons

The president's proposal seeks legislation to reinstate and strengthen the assault weapons ban that was in place from 1994 to 2004. (For more information on Connecticut law for assault weapons, see [OLR Report 2013-R-0001](#).)

High-Capacity Magazines

The proposal also asks Congress to reinstate the 1994 legislation that banned high-capacity ammunition magazines holding more than 10 rounds.

Armor-Piercing Ammunition

Under current law, it is illegal to manufacture and import armor-piercing ammunition except for military or law enforcement use. The president calls on Congress to ban the possession of armor-piercing ammunition by, and its transfer to, anyone other than the military and law enforcement.

LAW ENFORCEMENT

The administration's plan gives law enforcement more tools and funding to curb gun violence. The plan calls for:

1. prohibiting "straw purchases,"
2. increasing police funding and training,
3. better tracing of guns used in crimes,
4. regulating certain gun returns and importations,
5. confirming an ATF director,
6. prosecuting certain gun crimes, and
7. publishing an annual report on lost and stolen guns.

Gun Trafficking

President Obama is proposing a law prohibiting straw purchasing for guns, which occurs when people who would not pass a background check get someone else to buy the gun for them.

Funding/Training

The president is asking Congress for \$4 billion to keep 15,000 police officers on the street. In addition, he is asking Congress for \$14 million to train 14,000 more police officers, first responders, school officials, and others to respond to active shooter situations.

Enhance Tracing Data

Currently, not all federal law enforcement agencies are required to trace all the guns they recover from a criminal investigation. Under the proposal, the president will issue a Presidential Memorandum requiring all federal agencies to trace each such gun to its first purchaser.

Returning/Importation of Certain Guns

Currently, when law enforcement must return guns seized as part of an investigation, they are unable to perform a full background check on the owner. The administration will propose regulations that ensure law enforcement has access to the database needed for background checks.

The president also called on Congress to eliminate restrictions that force ATF to authorize importation of certain older weapons. Currently, ATF is required to authorize the importation of certain “curio or relic” guns because they were manufactured more than 50 years ago. Some of these guns include semiautomatic military-surplus rifles. The administration wants ATF to be able to change this definition to prevent buyers from being able to acquire fully functional and powerful military weapons.

ATF Director

The president called on the Senate to confirm an ATF director. The position has been vacant for the last six years. Since 2006, ATF has been run by five acting directors. President Obama has nominated B. Todd Jones, the current acting director, to be director.

Gun Crime Prosecution

The administration, through the Attorney General and U.S. attorneys, will make sure every appropriate resource is used to prevent gun violence. This includes asking all U.S. attorneys if additional efforts would be appropriate to prosecute people who (1) have been convicted of a felony and illegally seek a gun or (2) try to evade the background check by providing false information.

Lost/Stolen Gun Information

The plan directs DOJ to publish an annual report on lost and stolen guns to ensure that data collected by ATF is available. The report will include state-by-state statistics on guns reported missing. DOJ will also identify best practices and encourage states and cities to follow them.

GUN VIOLENCE PREVENTION

The president hopes to prevent gun violence by (1) gaining a better understanding of its causes, (2) clarifying a health care provider’s right to talk to patients about gun safety, and (3) encouraging safe gun storage.

Research

Currently, Congress bars the Centers for Disease Control (CDC) and other scientific agencies from using funds to advocate or promote gun control, which some have taken as a bar on all research on the causes of gun violence.

President Obama is issuing a Presidential Memorandum directing CDC and other scientific agencies, as a matter of public health, to conduct research into the causes and prevention of gun violence. CDC will begin by assessing existing strategies and identify the most pressing research questions that have the greatest potential public health impact. In addition, the administration is asking Congress for \$10 million for CDC research on the relationship between video games, media images, and violence.

The president also believes better data is needed in order to research gun violence prevention. He is asking Congress for \$20 million to expand the National Violent Death Reporting System from the 18 states currently participating to all 50. The system collects anonymous data on homicides and suicides involving guns.

Health Care Providers

The administration believes that there is currently some confusion about whether federal law prohibits health care providers from reporting a patient's threats of violence to law enforcement agencies. The federal Department of Health and Human Services (HHS) is issuing a letter clarifying that no federal law prohibits these reports.

There also has been confusion as to whether the federal Affordable Care Act prohibits health care providers from asking if their patients have guns in their homes, especially if the patient shows signs of mental illness or has a child or mentally ill family member living there. The administration will issue guidance clarifying that the Affordable Care Act does not bar patient-doctor communications about guns.

Gun Safety

The administration will launch a national responsible gun ownership campaign to encourage gun owners to use gun safes, trigger locks, separate storage of guns and ammunition, and report lost and stolen weapons to law enforcement.

The president will also ask the Chair of the Consumer Product Safety Commission to review the effectiveness of gun locks and safes, including existing voluntary industry standards. The Chair will take the necessary steps to improve the standards to protect the public.

Finally, the president is directing the Attorney General to work with technology experts in reviewing existing and emerging gun safety technologies. The Attorney General will report on the availability of those technologies. The president is also challenging the private sector to develop innovative and cost-effective gun safety technology and award prizes to the most reliable and effective technologies.

SCHOOL SAFETY

The president's proposal includes (1) hiring and training more school resource officers and other personnel, (2) implementing a Comprehensive School Safety Program, (3) helping school districts develop emergency management plans, and (4) training teachers and staff to create a safer school environment.

School Resource Officers

President Obama will direct DOJ to provide a preference for COPS Hiring Grant applications for police departments that hire school resource officers. COPS Hiring Grants are grants offered by DOJ to state, local, and tribal law enforcement agencies, that provide funding for the hiring or re-hiring of full-time officers.

Comprehensive School Safety Program

The administration is proposing a new Comprehensive School Safety Program to give \$150 million to school districts and law enforcement agencies to hire school resource officers, psychologists, social workers, and counselors. DOJ will also develop a model for school resource officers, including age-appropriate techniques in interacting with students.

Under the program, school districts can also use grants to (1) purchase school safety equipment, (2) develop and update public safety plans, (3) conduct threat assessments, and (4) train crisis intervention teams. The federal General Services Administration will use its purchasing power to help acquire safety equipment.

Emergency Management Plans

The president is directing the departments of Education, Justice, Health and Human Services, and Homeland Security to release a set of model, high-quality emergency management plans for schools, houses of worship, and higher learning institutions. These must be issued by May 2013, and must include best practices for developing these plans and

training students and staff to follow them. The departments of Justice and Homeland Security will assist any interested school, house of worship, or higher education institution in assessing its security.

President Obama is also asking Congress to provide \$30 million in one-time grants to states to help school districts develop and implement emergency management plans. In order to receive these grants, states and school districts must have comprehensive, up-to-date emergency plans in place for all of their schools.

Safer School Environment

The administration believes that gun violence occurs in part because of bullying and other problem behaviors like drug abuse or poor attendance. So far, with help from the Department of Education (DOE), 18,000 schools have implemented strategies to improve school climate. These strategies include consistent rules and rewards for good behavior, with more intensive steps for those exhibiting at-risk behavior, including individual services for those who continue this behavior.

President Obama is asking Congress for \$50 million to help 8,000 more schools train their teachers and staff to implement these strategies. The administration will also develop a school climate survey that provides data to help schools implement these policies.

The president is directing DOE to collect and disseminate best practices on school discipline policies and help school districts develop and implement them.

MENTAL HEALTH SERVICES

The president is (1) creating a new initiative to train teachers and other adults to recognize and deal with mental illness, (2) asking Congress to fund several programs that would provide support and training, and (3) attempting to ensure coverage of mental health treatment.

Project AWARE

President Obama is asking Congress for \$55 million for a new initiative, Project AWARE (Advancing Wellness and Resilience in Education) to reach 750,000 young people. Project AWARE will train teachers and other adults who regularly interact with students to recognize who needs help and ensure they are referred to mental health services.

Fifteen million of this grant would go towards training these teachers and other adults to detect and respond to mental illness in children and young adults. It would include training on how to encourage adolescents and families experiencing these problems to seek treatment.

The remaining \$40 million would go to help school districts work with law enforcement, mental health agencies, and other local organizations to make sure students with mental health issues are referred to the services they need.

Support for Individuals Age 16 to 25

The administration is asking Congress for \$25 million for innovative state-based strategies supporting individuals age 16 to 25 with mental health or substance abuse issues.

Pervasive Violence

The administration believes that exposure to community violence can impact a child's mental health and development and increase the likelihood he or she will later commit a violent act. To combat this, the president is asking Congress for \$25 million to offer students mental health services for trauma or anxiety, conflict resolution programs, and other school-based violence prevention strategies.

Additional Mental Health Professionals

President Obama is asking Congress for \$50 million to train more social workers, counselors, psychologists, and other mental health professionals. This money would provide stipends and tuition reimbursements to train more than 5,000 mental health professionals serving young people.

National Dialogue

The president is directing the secretaries of HHS and DOE to start a national dialogue about mental illness with young people who experienced mental illness, members of the faith community, foundations, and school and business leaders.

Mental Health Treatment

The administration will finalize regulations requiring existing group health plans that offer mental health services to cover them at parity under the Mental Health Parity and Addiction Equity Act of 2008. The act states that if a group health plan covers the treatment of mental illness or drug or alcohol abuse, it cannot charge higher co-payments, deductibles, and out-of-pocket expenses for those services than for treatment of physical illnesses.

In addition, the Affordable Care Act requires all new small group and individual plans to cover ten essential health benefit categories, including mental health and substance abuse services.

The administration will also issue a letter to state health officials making it clear that Medicaid plans must comply with mental health parity requirements.

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