

Congress blocks rule barring mentally impaired from guns

February 15 2017, by Kevin Freking



In this Friday, Dec. 14, 2012 file photo, parents leave a staging area after being reunited with their children following a shooting at the Sandy Hook Elementary School in Newtown, Conn., where Adam Lanza fatally shot 27 people, including 20 children. The Republican-led Senate voted Wednesday, Feb. 15, 2017, to block an Obama-era regulation that would prevent an estimated 75,000 people with mental disorders from being able to purchase a firearm. (AP Photo/Jessica Hill, File)

Congress on Wednesday sent President Donald Trump legislation

blocking an Obama-era rule designed to keep guns out of the hands of certain mentally disabled people.

On a vote of 57-43, the Senate backed the resolution, just one of several early steps by the Republican-led Congress to undo regulations implemented by former President Barack Obama. The House had passed the measure earlier this year. The White House has signaled Trump will sign the legislation.

The Obama rule would have prevented an estimated 75,000 people with mental disorders from being able to purchase a firearm. It was crafted as part of Obama's efforts to strengthen the federal background check system in the wake of the 2012 massacre of 20 young students and six staff at Sandy Hook Elementary School in Newtown, Connecticut.

Adam Lanza, a 20-year-old man with a variety of impairments, including Asperger's syndrome and obsessive-compulsive disorder, shot and killed his mother at their home, then went to school where he killed the students, adults and himself.

The Obama administration rule required the Social Security Administration to send in the names of beneficiaries with mental impairments who also have a third party manage their benefits.

But lawmakers, with the backing of the National Rifle Association and advocacy groups for the disabled, opposed the regulation and encouraged Congress to undertake a rarely successful process designed to void regulations that Congress takes issue with.

With a Republican ally in the White House, the GOP has moved aggressively on several fronts to rescind some of the Obama administration's final regulations on the environment, financial reporting and now guns. Under an expedited process established through the

Congressional Review Act, a regulation is made invalid when a simple majority of both chambers pass a joint resolution of disapproval and the president signs it.

Sen. Charles Grassley, R-Iowa, spearheaded the repeal effort and said the regulation unfairly stigmatizes the disabled and infringes on their constitutional right to bear arms. He said that the mental disorders covered through the regulation are filled with "vague characteristics that do not fit into the federal mentally defective standard" prohibiting someone from buying or owning a gun.

Grassley cited eating and sleep disorders as examples of illnesses that could allow a beneficiary to be reported to the background check system if they also have a third party to manage their benefits.

"If a specific individual is likely to be violent due to the nature of their mental illness, then the government should have to prove it," Grassley said.

Sen. Chris Murphy, D-Conn., said he didn't know how he could explain to his constituents that Congress was making it easier rather than harder for people with serious mental illness to have a gun.

"If you can't manage your own financial affairs, how can we expect that you're going to be a responsible steward of a dangerous, lethal firearm," Murphy said.

Sen. Ron Wyden, D-Ore., argued that anyone who thinks they're treated unfairly can appeal, and are likely to win if they're not a danger to themselves or others. But Grassley said federal law requires a formal hearing and judgment before depriving someone of owning a firearm due to mental illness.

Gun rights groups weren't the only organizations upset about the Obama administration's regulation. The American Civil Liberties Union criticized it, too. The ACLU said the rule advanced a harmful stereotype that people with mental disabilities, "a vast and diverse group of citizens, are violent." More than a dozen advocacy groups for the disabled also opposed the Obama administration's regulation.

The NAACP, the United States Conference of Mayors and the National League of Cities supported the Social Security Administration's efforts.

"This heartless resolution puts the most vulnerable Americans at risk," said Dan Gross, president of the Brady Campaign to Prevent Gun Violence. "Make no mistake, this vote was really about deepening the gun industry's customer pool, at the expense of those in danger of hurting themselves or others."

Meanwhile, the GOP-led House will seek to rescind more Obama-era regulations later Wednesday, including a Labor Department rule critics say unduly restricts efforts in some states to test unemployment insurance applicants for drug use.

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Citation: Congress blocks rule barring mentally impaired from guns (2017, February 15)
retrieved 4 May 2024 from

<https://medicalxpress.com/news/2017-02-congress-blocks-barring-mentally-impaired.html>

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