



March 7, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510

Dear Senate Leaders:

On behalf of the American College of Physicians (ACP), I am writing to urge you to take action to reduce the rate of firearms violence in our country. We remain alarmed that despite another mass shooting that took place at a school in Parkland, Florida, the horrific incidents in Sutherland Springs and Las Vegas, and the daily toll of firearms violence in our neighborhoods, homes, workplaces, and public spaces, the pathway for comprehensive legislation to reduce the threat of injury or death from firearms remains uncertain. We believe that this issue represents an urgent public health crisis and now is the time to act, on a bipartisan basis, on measures to improve the safety of all Americans and especially our students who have been victims of firearms violence far too many times.

ACP is the largest medical specialty organization and the second largest physician group in the United States. ACP members include 152,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

Deaths and injuries from firearms are not just a result of mass shootings, they are a daily occurrence. In 2016, more than 38,000 Americans lost their lives to firearms, according to the Centers for Disease Control and Prevention¹; another 81,000 each year on average suffer non-fatal (yet often devastating) injuries from firearms. As an organization representing physicians who have first-hand experience with the devastating impact on the health of their patients resulting from firearms-related injuries and deaths, we have a responsibility to be part of the solution in trying to mitigate firearms-related tragedies.

The College urges the Senate to take the following actions:

¹ Kochanek, et al. National Vital Statistics Report, Volume 65, Number 4, Department of Health and Human Services, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services accessed at https://www.cdc.gov/nchs/data/nvsr/nvsr65/nvsr65_04.pdf

1. Reject any consideration of the Concealed Carry Reciprocity Act (H.R. 38) as passed by the House in December, 2017.

Despite our [objections](#), in December of last year the House passed H.R. 38, *the Concealed Carry Reciprocity Act of 2017*. Concealed carry reciprocity makes it possible for individuals who would not meet the requirements in states with more restrictive gun safety concealed carry laws to carry hidden, loaded firearms in public and poses a threat to public health and safety. For example, 27 states and the District of Columbia currently prohibit individuals convicted of misdemeanor violent crimes from carrying concealed firearms in public. Reciprocity would allow individuals from the other 24 states that do not prohibit individuals convicted of misdemeanor violent crimes to carry firearms into states and jurisdictions that do, making their residents less safe and undermining federalism and state rights. In addition, reciprocity would pre-empt stronger state laws requiring training in firearm safety as a condition of obtaining a permit, weaken background checks and endanger victims of domestic violence by pre-empting state laws that prohibit individuals who have had restraining orders or been charged with domestic violence from obtaining concealed weapon permits. A 2017 study by Stanford University researchers estimated that weak ‘shall issue’ permitting laws were associated with a 13-15 percent increase in violent crime rates after 10 years.²

2. Pass S. 2095, the Assault Weapons Ban of 2017, which would place bans on the sale of high-velocity, rapid-fire “assault rifles” (rifles specifically designed to inflict lethal harm to as many victims as possible, in as little time as possible), large capacity ammunition magazines and bump stocks.

We urge the Senate to pass S. 2095, *the Assault Weapons Ban of 2017*, introduced by Senator Dianne Feinstein, to prohibit the sale of assault weapons, bump stocks and magazines and other ammunition feeding devices that hold more than 10 rounds of ammunition. These weapons, which fire bullets at devastatingly high velocity with large capacity magazines, have become the weapon of choice for most mass shooters because of their ability to inflict lethal harm to as many victims as possible, in as little time as possible, as was the case in the Parkland, Orlando, San Bernardino, Santa Monica, and the Aurora mass shootings; in Las Vegas, such weapons, modified with bump stocks, were used to carry out the largest mass shooting in history.

Trauma surgeons and radiologists who have treated victims of such high-velocity, high-capacity semiautomatic “assault rifles” report that wounds they produce are so devastating that survival is unlikely and, if victims do survive, they will have grievous injuries requiring multiple surgeries and often, lifelong disabilities. “The wide swath of damage makes it difficult to determine the extent of the injuries, and even more difficult to repair them,” one trauma surgeon observed. “And if the bullet strikes the heart or other major organ, the victim usually cannot be saved.”³

² John Donohue et al, Right-to-Carry Laws and Violent Crime: A Comprehensive Assessment Using Panel Data and a State-Level Synthetic Controls Analysis, NBER Working Paper No. 23510, June 2017, accessed at <http://www.nber.org/papers/w23510>

³ Kolata and Chivers, Wounds from Military-Style Rifles? ‘A Ghastly Thing to See’, New York Times, March 4, 2018, accessed at <https://www.nytimes.com/2018/03/04/health/parkland-shooting-victims-ar15.html?partner=rss&emc=rss>

A radiologist treating the Parkland victims wrote that “if a victim takes a direct hit to the liver from an AR-15, the damage is far graver than that of a simple handgun-shot injury. Handgun injuries to the liver are generally survivable unless the bullet hits the main blood supply to the liver. An AR-15 bullet wound to the middle of the liver would cause so much bleeding that the patient would likely never make it to the trauma center to receive our care.”⁴

While the ACP believes that nothing short of a complete ban on such weapons will be sufficient to decrease firearms’ injuries and deaths, particularly in mass shooting situations, we could support interim steps to limit their sales, including raising the minimum age to purchase them to 21, *but only as a first step toward a complete ban*.

A ban on large capacity magazines, which are considered to be ammunition-feeding devices with more than 10 rounds of ammunition, can also be expected to reduce the number of persons who will be killed and injured in a mass shooting situation in the minutes before police can respond and stop the shooting, especially when combined with a ban on assault-style rifles.

Bump stocks, which allow semi-automatic rifles to be modified in such a way as to accelerate how many bullets can be fired, approaching that of fully automatic weapons, must be immediately banned by Congress. The alternative of attempting to ban their sale through an administrative rule-making process would be expected to take many months before such a ban could go into effect, and anticipated legal challenges to it could result in bump stocks being available for sale for a very extended period of time.

3. Pass S. 2135, the *Fix NICS Act*, which would strengthen the criminal background check system to help ensure that criminals and domestic abusers are prevented from obtaining firearms. We also urge the Senate to pass S. 2009, the *Brady Background Check Expansion Act*, which would close loopholes in the background check system.

We urge the Senate to pass S. 2135, the *Fix NICS Act*, as introduced by Senators John Cornyn and Chris Murphy, to improve the accuracy of the data used by the National Instant Criminal Background Check System (NICS). The *Fix NICS Act* would require federal agencies and states to produce NICS implementation plans to ensure the accuracy of their records and hold federal agencies accountable if they fail to upload relevant records to the background check system. It would also reauthorize and improve law enforcement programs to facilitate state criminal record sharing of individuals prohibited from purchasing weapons.

However, the *Fix NICS Act*, while a modest step toward improving the *existing* background check system, does not close the loopholes that allow persons to purchase firearms through private sales and transactions and at gun shows. S. 2009, the *Brady Background Check Expansion Act*, as introduced by Senator Chris Murphy, would expand background checks to virtually all firearms sales in the United States. This bill will substantially close the gun show, internet, and other private sales loopholes.

⁴ Sher, Heather. What I Saw Treating the Victims from Parkland Should Change the Debate on Guns, The Atlantic, February 22, 2018, accessed at <https://www.theatlantic.com/politics/archive/2018/02/what-i-saw-treating-the-victims-from-parkland-should-change-the-debate-on-guns/553937/>

In 2016, of the over 27.5 million background checks processed to purchase or transfer possession of a firearm, 120,497 were prohibited purchasers and were blocked from making a purchase.⁵ Background checks clearly help to keep firearms out of the hands of persons at risk for using them to harm themselves or others. However, as a result of unenforced background check requirements and acquisitions made through suppliers other than licensed dealers, 22 percent of transfers within the past two years (13 percent of purchased; 57 percent of non-purchased) and 42 percent of all transfers (27 percent of purchased; 77 percent of non-purchased) were made without the owners undergoing a background check.⁶ The only way to ensure that all prohibited purchasers are prevented from acquiring firearms is to make background checks a universal requirement for all firearms purchases or transfers of ownership.

4. Enact strong penalties for persons who unlawfully purchase firearms for other persons who are in a prohibited category-known as “straw purchasers.”

In a 2000 report released by the Bureau of Alcohol, Tobacco and Firearms (ATF), *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*,⁷ the agency found that over the 2.5-year period between 1996 and 1998, 46 percent of all trafficking investigations involved straw purchases; approximately a third of illegally diverted firearms were associated with straw purchasing. The proportion is of concern to the ATF, which reported that the numbers underscore a significant public safety problem. A survey of federally licensed firearms dealers in 2011 found that 67.3 percent of respondents reported potential straw purchases⁸ indicating that straw purchasing and attempted straw purchasing remain obstacles in stymieing the flow of firearms into the hands of persons who are prohibited from having them. Congress should address this gap in the effectiveness of the current ban on straw purchases by substantially increasing criminal penalties for such purchases.

5. Repeal the Dickey amendment, which limits the ability of the Centers for Disease Control and Prevention, the National Institutes of Health, and the National Institute of Justice, to study the effect of violence and unintentional firearms-related injury on public health and safety, and to eliminate any language in appropriations bills for these agencies that would preclude them from conducting such studies.

It is essential that health services researchers, public health professionals and officials, physicians, and Congress itself have access to evidence-based data that provides additional

⁵ Federal Bureau of Investigation. National Instant Criminal Background Check System (NICS) Operations 2016. Washington, DC: U.S. Department of Justice; 2016. Accessed at <https://www.fbi.gov/file-repository/2016-nics-operations-report-final-5-3-2017.pdf/view> on 26 February 2018.

⁶ Miller, Matthew, Lisa Hepburn, and Deborah Azrael. "Firearm acquisition without background checks: results of a national survey." *Annals of internal medicine* 166, no. 4 (2017): 233-239.

⁷U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. *Following the Gun: Enforcing Federal Laws Against Firearms Traffickers*. Washington, DC: U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; 2000. Accessed at <http://everytown.org/wp-content/uploads/2014/08/Following-the-Gun-Enforcing-Federal-Laws-Against-Firearms-Traffickers.pdf> on 27 February 2018.

⁸ Wintemute GJ. Frequency of and responses to illegal activity related to commerce in firearms: findings from the Firearms License Survey. *Inj Prev*. 2013;00:1-9. Accessed at https://www.ucdmc.ucdavis.edu/vprp/pdf/FirearmLicenseeSurvey_Part%202_Gunsales_trafficking.pdf on 27 February 2018.

information on where firearms violence occurs, and the methods of how firearms violence is inflicted upon our citizens. We ask you to repeal the Dickey amendment and not impose any other restrictions on funding for research conducted by the Centers for Disease Control and Prevention, the National Institutes of Health, and the National Institute of Justice on the effect of violence and unintentional firearms-related injury on public health and safety.

In conclusion, for more than 20 years, we have urged the adoption of policies to reduce deaths and injuries related to firearms violence.⁹ Yet, Congress has failed to enact most of our policy recommendations, and in recent years, has even repealed firearms violence prevention policies, such as the 1994 assault weapons ban and, to make matters even worse, has advanced legislation, like the *Concealed Carry Reciprocity Act*, that will make all of us less safe from injuries and deaths from firearms. The result is nearly 120,000 Americans killed or injured each year by firearms violence, including those victimized by the increasing numbers of mass shooters armed with high-velocity, high-capacity semiautomatic rifles. This public health emergency must not be allowed to continue.

We call on Congress to address the public health crisis created by firearms violence by adopting the above 5 policies, and we look forward to working with you in a bipartisan fashion to enact these measures.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Ende", with a long horizontal flourish extending to the right.

Jack Ende, MD, MACP
President

⁹ Butkus R, Doherty R, Daniel H, . Reducing Firearm-Related Injuries and Deaths in the United States: Executive Summary of a Policy Position Paper From the American College of Physicians. *Ann Intern Med.* 2014;160:858–860. doi: 10.7326/M14-0216, accessed at <http://annals.org/aim/fullarticle/1860325/reducing-firearm-related-injuries-deaths-united-states-executive-summary-policy>