



# Rifle Association Dominates Gun Voting in 115th Congress

By **Richard G. Thomas**

Voterama in Congress

When Florida students rallied hundreds of thousands of protestors near the U.S. Capitol in late March to advocate tougher gun-safety laws, they put their raw inexperience in the ways of Washington up against the battle-hardened National Rifle Association, a powerful lobbying machine with a long record of success in heading off legislation limiting gun rights.

Survivors of the Feb.14 shootings at Marjory Stoneman Douglas High School in Parkland, Fla., called on Congress to enact measures ranging from bans on bump stocks and semi-automatic assault weapons to raising to 21 the minimum age for gun purchases.

But there was little indication before or after the Washington event that the Republican majority in Congress, which is heavily funded by the NRA and covets its approval, is prepared to take significant action. Most of the demonstrators' legislative demands have been repeatedly debated and decisively rejected in House and Senate actions dating at least to the early 2000s. But by seizing the national spotlight after a classmate's AR-15 shooting spree took 17 lives at their school, the students added a fresh and powerful voice to the long-running national debate over Second Amendment issues.

The students vowed to succeed where adult gun-safety activists have almost always failed, by channeling the passion of teenagers literally afraid of being gunned down at school into a nationwide electoral movement capable of registering masses of voters, getting them to the polls and swinging enough congressional races this fall to change the balance of power on Capitol Hill on gun issues.

"We are not here for bread crumbs," MSD senior Delaney Tarr told the crowd in D.C. Lawmakers "know what is coming. They know that if there is no assault-weapons ban passed, then we will vote them out."

The NRA charged that in the Parkland aftermath, gun-limits forces were "exploiting tragedy to advance their political agenda....attempting to capitalize on this tragedy to convince members of Congress and your state lawmakers to vote for their gun-control wish list."

If student activists survey federal gun disputes over the past quarter century, they will see that their side has indeed received crumbs for its efforts, prevailing on only three of the nearly four dozen roll-call votes held in the House and Senate on gun issues since 1995. And none of their wins resulted in changes to federal law.

The NRA's long policy reign in Washington has resulted, in part, in the enactment of measures that stripped the District of Columbia government of most its gun controls; awarded firearms manufacturers broad immunity against lawsuits; authorized airline pilots to carry firearms in the cockpit; allowed those in bankruptcy to keep possession of up to three firearms; authorized private citizens to carry guns on Amtrak and in national parks and permitted firearms sales over the Internet.

In 2013, in a vivid display of how it can influence judicial nominations, the NRA blocked President Obama's selection of Caitlin J. Halligan for a seat on the U.S. Court of Appeals for the District of Columbia because nine years earlier, while solicitor general for New York State, she had asserted that gun manufacturers could be sued for the misuse of their products by third parties.

And in policy wins that occurred without benefit of record votes and public scrutiny, NRA-backed lawmakers have repeatedly hemmed in the Bureau of Alcohol, Tobacco, Firearms and Explosives by limiting its budget, restricting its ability to gather records of gun sales and refusing to allow the Senate to confirm an ATF director.

Moreover, the NRA and its congressional supporters have easily turned back the legislative challenges that inevitably crop up after especially horrific mass shootings including Newtown in 2012, San Bernardino in 2015, Orlando in 2016 and Sutherland Springs and Las Vegas in 2017.

And no top-priority measure sought by gun-safety forces has become law since 1994, when 10-year bans on the sale and manufacture of high-capacity ammunition clips and some semi-automatic assault weapons were enacted. Those measures were allowed to expire in 2004. This year, gun-control advocates scored a little-noticed win when Congress lifted a 22-year ban on federally conducted gun-violence research as part of a massive fiscal 2018 spending law.

Here are summaries of all the gun votes conducted during the first 15 months of the 115th Congress, including six in the House and one in the Senate. All but one occurred before the Parkland shootings, and the NRA-backed side prevailed on each vote.

## In the House

**1. Mental Issues, Gun Checks:** The House on Feb. 2, 2017, voted, 235 for and 180 against, to nullify an Obama Administration rule designed to keep the mentally ill from passing federal background checks on gun purchases. Under the rule, the Social Security Administration was required to notify the FBI's National Instant Criminal Background Check System (NICS) of individuals receiving disability benefits on the basis of mental impairment. Foes said the rule cut against both disability and Second Amendment rights, while backers said it was only common sense to keep guns away from the deranged.

Bob Goodlatte, R-Va., said the rule wrongly puts "the burden on individuals to prove that restoring their Second Amendment rights would not pose a danger to public safety" instead of on the government to prove the individual unfit to bear arms.

Mike Thompson, D-Calif., said: "These are people with a severe mental illness who can't hold any kind of job or make any decisions about their affairs. So the law says very clearly that they shouldn't have a firearm."

A yes vote was to send HJ Res 40 to the Senate, where it was adopted and sent to President Trump for his signature. [Roll Call 77](#)

## In the House

**2. Gun Purchases, Veterans' Mental Health:** Voting 240 for and 175 against, the House on March 16, 2017, passed a bill that would require patient-by-patient judicial review before the Department of Veterans Affairs could submit the names of veterans with serious mental issues to the FBI's National Instant Criminal Background Check System (NICS) on gun purchasers. Such referrals now occur without judicial oversight. Under the bill (HR 1181), a judicial authority must rule the person "mentally defective" before any referral to the FBI. Foes of the existing policy said it violates Second Amendment rights, while backers said it is common sense to keep guns away from a population afflicted by post-traumatic stress disorder (PTSD) and high rates of suicide.

Ken Buck, R-Colo., said: "The decision to strip any constitutional right from anyone, most importantly our veterans...needs to be made with due process."

Mike Thompson, D-Calif., said it was "absolute stupidity" for the bill to "make it easier for veterans to take their own lives. I don't want to see another veteran become a statistic."

A yes vote was to send the bill to the Senate, where it awaits action. [Roll Call 169](#)

**3. Proposed Committee on Gun Violence:** The House on Nov. 7, 2017, blocked, 233 for and 182 against, an attempt by Democrats to force floor debate on legislation (H Res 367) that would establish the Select Committee for Gun Violence Prevention comprised of six Republican and six Democratic members. Now in committee, the measure would probe the causes of mass shootings, exploring means of keeping guns out of the hands of domestic abusers and the mentally ill and tightening background checks on firearms purchasers, among other topics. The vote occurred two days after a shooting at First Baptist Church in Sutherland Springs, Texas, that left 26 persons dead and 20 wounded. Had Democrats prevailed on this vote, they would have had an opportunity to bring their legislation to the floor.

Jim McGovern, D-Mass., said: "What will it take? If the deaths of those children in Sandy Hook Elementary School weren't enough for Congress to take action, if the 49 lives lost in Orlando weren't enough, if the 58 lives lost in Las Vegas weren't enough and if the 26 lives lost in Texas on Sunday aren't enough, then nothing may ever be enough for Congress to have the courage to do the right thing."

Opponents did not speak on the issue.

A yes vote opposed floor debate on the gun-committee measure. [Roll Call 610](#)

**4. Concealed-Carry, States' Rights:** Voting 231 for and 198 against, the House on Dec. 6, 2017, sent the Senate a bill (HR 38) making it easier for travelers to carry concealed, loaded handguns from state to state. The bill would federalize the patchwork of state laws on concealed handguns. It does so by requiring every state to recognize every other state's concealed-carry permit or authority. In part, this would allow residents of the 12 states that do not require permits to legally carry concealed handguns in the many states that deny permits to domestic-abusers, stalkers and convicted felons. The bill also would tighten reporting requirements for the FBI's National Instant Criminal Background Check System.

John Rutherford, R-Fla., said the bill ensures that "law-abiding citizens can retain the constitutional right to bear arms legally across state lines and hopefully be able to stop a violent incident. None of our other constitutional rights stop at a state line. Our Second Amendment rights should not stop at that line either."

Jamie Raskin, D-Md., said the bill "brings us down to the level of the lowest, most permissive laws in the country. My state doesn't give concealed carry permits to domestic abusers, to violent offenders and to dangerously unstable people. Don't drag us down to the lowest level. Protect states' rights."

A yes vote was to send the bill to the Senate, where it awaits action. [Roll Call 663](#)

## In the House

**5. Exemption for Violent Criminals:** Voting 190 for and 236 against, the House on Dec. 6, 2017, refused to amend HR 38 (above) so that it would deny protection to concealed-carry permit holders who have been convicted of a violent crime within the preceding three years. Under the amendment, these individuals would be prevented from carrying a concealed, loaded handgun in any state other than their own whose laws would deny a permit based on a conviction for the same crime.

Sponsor Mike Thompson, D-Calif., said a vote for his amendment "is a pro-states' rights, pro-Second Amendment and anti-criminal vote."

Bob Goodlatte, R-Va., called the amendment a Democratic attempt "to hamper the passage of this important legislation."

A yes vote was to add an exemption for violent criminals to the bill. [Roll Call 662](#)

**6. Post-Parkland Dispute Over Gun Bills:** On a vote of 228 for and 184 against, the House on Feb. 27, 2018, blocked a Democratic resolution calling on the House to debate two gun-safety bills. One (HR 3464) would prevent a firearms dealer from selling a weapon before completion of a federal background check. The second bill (HR 4240) would incentivize reporting to the National Instant Criminal Background System (NICS) and expand criminal and mental-health background checks to cover all firearms transactions except those among family members, friends and hunting partners. The latter provision would eliminate exemptions for certain purchases occurring at gun shows, over the Internet and through classified ads. This vote was conducted after Republican leaders, who control the House agenda, declined to immediately bring gun legislation to the floor following a Feb. 14 mass shooting at Marjory Stoneman Douglas High School in Parkland, Fla.

The Democratic resolution was quashed by the presiding officer's ruling that it did not qualify under House rules as a "privileged question" entitled to floor action. On the vote reported here, Republicans upheld that ruling after it was appealed by Democrats.

Jim McGovern, D-Mass., said: "I would say to my colleagues who are beholden to the National Rifle Association: I get it. If you don't want to stand up to them, that is fine. But don't stand in the way of this House having a debate on these issues and having a vote. Let the American people see where everybody stands, Democrats and Republicans alike."

No member spoke on the other side of the issue.

A yes vote was in opposition to allowing floor debate on the two bills. [Roll Call 83](#)

**7. Background Checks on Gun Sales:** Voting 224 for and 191 against, the House on May 24, 2018, blocked a Democratic attempt to expand background checks on commercial gun transactions by requiring them on sales conducted over the Internet and between private parties at gun shows. This vote occurred during debate on the fiscal 2019 military budget (HR 5515). The measure sought to plug loopholes that allow an estimated 40 percent of gun sales to avoid mandatory checks via the FBI's National Instant Criminal Background Check System. This was the first congressional vote on gun issues since the May 18, 2018, shootings at a Santa Fe, Texas, high school that killed 10 people and wounded 10 others.

Mike Thompson, D-Calif., said that after Santa Fe, "As usual, members sent thoughts and prayers. They said things have got to change, and then they did nothing. We held our 47th moment of silence since the tragedy of Sandy Hook Elementary School five-and-one-half years ago. For every member who looks into the face of yet another grieving family and says, 'I'm with you,' and then does nothing, I have a message for you, you're complicit. You're allowing criminals and the dangerously mentally ill easy access to guns. Your inaction is leading to gravestone after gravestone."

No opponent spoke on the topic of guns. Instead, Mac Thornberry, R-Texas, objected to the motion on parliamentary grounds, saying that its spending provisions would violate the

## In the House

Congressional Budget Act. His objection was upheld by the chair, and on this vote, the House affirmed that ruling.

A yes vote was in opposition to adding language on background checks to the 2019 military budget. [Roll Call 229](#)

## In the Senate

**1. Mental Issues, Gun Checks:** By a tally of 57 for and 43 against, the Senate on Feb. 15, 2017, joined the House (above) in voting to nullify a rule under which the Social Security Administration was required to notify the FBI's National Instant Criminal Background Check System (NICS) about persons receiving benefits due to serious mental issues, so that they could be prevented from buying firearms.

Charles Grassley, R-Iowa, said: "Repealing this regulation will merely ensure that disabled citizens' Second Amendment rights are, in fact, protected."

Dianne Feinstein, D-Calif., said: "It should shock the conscience of the American people the Senate is considering weakening our federal background check system in response to this unabated epidemic of (gun) violence."

A yes vote was to adopt a nullification measure (HJ Res 40) that President Trump then signed into law. [Roll Call 66](#)