



# EXPLAINER

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## Gun Reform: A Comparison of House and Senate Proposals June 16, 2022

The United States is an outlier compared to other advanced democracies when it comes to gun violence and mass shootings. The massive number of guns available in the U.S., along with loose national gun regulations, poses a significant danger to communities, families, and children. **Civilians in the U.S. own an estimated 393 million firearms, nearly 46% of the total number of civilian-held firearms in the world**, despite the U.S. population representing just 4% of the world population.<sup>1</sup> **This amounts to roughly 61 million more guns in the United States than there are people.**<sup>2</sup> This high rate of gun ownership is a contributor to gun violence in the United States. Tragically, firearms are the leading cause of death for children and adolescents in America.

Following a series of mass shootings—including one in Buffalo, New York that killed 10 people and one at an elementary school in Uvalde, Texas that killed 19 children and two teachers—there is renewed interest in Congress to enact meaningful reforms to address gun violence.

In early June 2022, the House passed a series of bills implementing new safety measures to curb gun violence. In the Senate, a [bipartisan group of lawmakers](#) is currently discussing a legislative framework intended to tackle gun violence and garner enough bipartisan support to withstand the Senate filibuster (60 votes). At the time of publication, legislative text for the Senate proposal has not been released. Gun reform efforts in Congress have the support of President Joe Biden, who has [called for](#) expansions on background checks, raising the age limit to purchase semi-automatic rifles, red flag laws, and reinstatement of the expired assault weapons ban.

Below is a chart highlighting key differences between the House and Senate proposals, based on information available at the time of publication. Additional information about the House and Senate's respective packages is detailed in the following sections.

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<sup>1</sup> <https://www.npr.org/2022/05/28/1101307932/texas-shooting-ualde-gun-violence-children-teenagers>

<sup>2</sup> <https://www.census.gov/quickfacts/fact/table/US/PST045221>

Provision	House Package	Senate Package
<b>Raises purchase age for semi-automatic weapons to 21</b>	Yes	No
<b>Outlaws bump stocks and high-capacity magazines for civilian use</b>	Yes	No
<b>Strengthens safe storage requirements</b>	Yes	No
<b>Implements nationwide extreme risk law</b>	Yes	No
<b>Incentivizes state extreme risk laws</b>	Yes	Yes
<b>Bans assault weapons</b>	No	No
<b>Funds mental health services</b>	No	Yes
<b>Adds school security</b>	No	Yes
<b>Contains penalties for “straw” purchases (purchasing a gun for another person)</b>	Yes	Yes
<b>Closes the “boyfriend loophole” (preventing dating partners convicted of abuse from buying a gun)</b>	No	Yes
<b>Requires enhanced background check for gun buyers under age 21</b>	No	Yes
<b>Clarifies laws around licensed gun dealer registration to ensure all commercial sellers conduct background checks</b>	No	Yes
<b>Regulates “ghost guns” (firearms that are privately assembled and untraceable)</b>	Yes	No

**House Gun Reform Legislation**

On June 8<sup>th</sup> and 9<sup>th</sup>, respectively, the House passed two gun violence prevention bills: House lawmakers passed [H.R. 7910](#), the “Protecting Our Kids Act,” by a **223-204** vote as well as [H.R. 2377](#), the “Federal Extreme Risk Protection Order Act,” by a vote of **224-202**. The Protecting Our Kids Act comprises eight individual bills intended to tackle gun violence: The Raise the Age Act; the Prevent Gun Trafficking Act; The Untraceable Firearms Act; Ethan’s Law; the Safe Guns, Safe Kids Act; the Kimberly Vaughn Firearm Safe Storage Act; the Closing the Bump Stock Loophole Act; and the Keep Americans Safe Act. **Collectively, the legislation, introduced by Chairman of**

**the House Judiciary Committee, Rep. Jerry Nadler (D-NY-10), includes the following:**

- Raises the age to purchase semi-automatic rifles from 18 to 21.
- Establishes new federal offenses for gun trafficking and straw purchases (whereby a person obtains a gun through a proxy).
- Institutes new regulations on gun storage in residences.
- Prohibits the sale and possession of high-capacity magazines with a capacity of more than 15 rounds.
- Regulates “ghost guns” (firearms that are privately assembled and untraceable).
- Bans bump stocks (accessories to rifles that enable faster shooting).

The Federal Extreme Risk Protection Act combines legislation from Rep. Salud Carbajal (D-CA-24) and Rep. Lucy McBath (D-GA-06) to both implement a process for federal “red flag” procedures and incentivize states to adopt their own “red flag” laws. Specifically, the bill allows law enforcement officers and family or household members to petition a federal court for an “extreme risk protection order” to temporarily prohibit an individual’s access to a firearm. Extreme risk protection order (EPROs), also known as “red flag laws,” allow for the temporary removal of firearms or ammunition from, or the prohibition of a gun or ammunition sale to, any person who poses a danger to others or themselves. Similar “red flag laws” have been implemented in [19 states and Washington, D.C.](#)

Additionally, the measure creates a grant program at the U.S. Department of Justice to encourage states to adopt extreme risk laws. Specifically, the measure outlines guidelines for minimum standards that states must meet to be eligible for grants, including that 25% of funds be used to train law enforcement, with remaining funds to be used for enhancing the training of judges and court personnel to identify dangerous individuals, developing court and law enforcement protocols, and raising public awareness of extreme risk laws. Under the House bill, a judge could issue an order to remove a firearm from a potentially dangerous individual until a hearing can be held, up to two weeks later, to determine whether or not the individual is mentally fit to possess the weapon or ammunition. An analysis of mass shootings from 2009 to 2020 indicates that red flag laws have enormous potential to curb gun violence, as **[56% of shooters exhibited warning signs before carrying out acts of violence.](#)**

The House package closely mirrors the attitudes of most Americans regarding gun safety. According to a recent [Politico/Morning Consult poll](#) conducted after the shooting in Uvalde, **88%** of Americans polled “strongly support” or “somewhat support” requiring background checks on all gun sales, **84%** support preventing sales of firearms to people reported as dangerous by a mental health professional,

and **77%** believe that all gun owners should be required to store their guns in a safe storage unit.

## Proposed Senate Gun Reform Legislation

In the Senate, Democrat and Republican lawmakers released a separate framework for a gun control package. Major provisions that were included in the House package—such as raising the minimum age to purchase a semi-automatic weapon, requiring firearm storage, regulating ghost guns, and banning bump stocks and high-capacity magazines—were excluded from the Senate’s framework. The Senate proposal also omits a federal “red flag” law, given [negotiators’ concerns around such a proposal’s feasibility](#), but does support states’ implementation of “red flag” laws. The Senate proposal also contains a number of items not included in the House’s bills, including mental health and school security programming. **The proposed Senate framework would:**

- Strengthen the background check process for gun buyers under 21, with requirements for such individuals’ juvenile and mental health records to be reviewed along with local and state law enforcement databases.
- Support state implementation of “red flag” laws and grant additional funding for existing state programs.
- Close the “[boyfriend loophole](#)” that prevents convicted domestic violence abusers from purchasing a gun, even if they are not married, do not live with a partner, or do not share a child with the survivor of domestic violence.
- Increase access to mental health and suicide prevention programs, in addition to crisis and trauma intervention programs.
- Include investments to bolster school safety, such as school violence prevention and training efforts for school personnel and students, and school-based mental health services.
- Include investments to increase access to youth telehealth mental health services.
- Increase penalties for illegal straw purchases and gun trafficking.
- Clarify the definition of “federal license dealer” to include more dealers that would be required to conduct background checks of purchasers.

Though legislative text for these priorities and proposed funding for the package has yet to be finalized, Senate Majority Leader Chuck Schumer (D-NY) has pledged to put the agreement up for a vote [as soon as possible](#). It will be important to pay close attention to offsets to pay for policy priorities in the package—which could prove problematic if there is reallocation of funding from existing federal programs. Senate

negotiators have suggested that they would like to vote on the package prior to the Senate recess beginning on June 27<sup>th</sup>.

## **Potential Concerns**

Given decades of inaction on gun safety, the very existence of these proposals constitutes progress on the House and Senate's parts. Nonetheless, current provisions outlined in both packages could be significantly strengthened. Specifically, policies that restrict access to the most lethal firearms and reduce the overall number of guns in circulation [could have the biggest impact](#) on curbing gun violence.

### ***Gun Licensing***

Only thirteen states and the District of Columbia have some form of a [state licensing requirement](#) for gun purchase or possession. Firearm licensing typically requires an individual to qualify for and obtain a license prior to purchasing or owning a firearm. The process often requires an in-person application at a law enforcement agency, a background check, and completed safety training courses on how to safely load, fire, and store a gun.

Because this process encompasses additional safety assurances prior to the purchase of a firearm, it reduces the number of guns sold because they are more difficult to obtain. According to the Giffords Law Center, in the state of Connecticut, after the passage of a license law, the **firearm homicide rate and suicide rate decreased by 28% and 33%**, respectively. Moreover, licensing laws that require an in-person application or fingerprinting have been shown to help prevent mass shootings. States with these laws have **56% fewer fatal mass shootings**.<sup>3</sup>

Senators Cory Booker (D-NJ), Bob Menendez (D-NJ), and Richard Blumenthal (D-CT) recently re-introduced [the Federal Firearm Licensing Act](#) (S. 4263), which would require residents to complete a written firearm safety test and hands-on testing to receive a license to acquire a firearm. The legislation would also require those seeking to purchase a gun to submit a criminal background check, fingerprints, and proof of identity.

### ***Assault Weapons Ban***

Enacting an assault weapons ban could also dramatically reduce the number of deaths attributed to gun violence and mass shootings. Research indicates that if an

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<sup>3</sup> [https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/licensing/#footnote\\_5\\_5608](https://giffords.org/lawcenter/gun-laws/policy-areas/owner-responsibilities/licensing/#footnote_5_5608)

assault weapons ban were still in place, we would see **70% fewer mass shooting deaths**.<sup>4</sup> Lawmakers enacted an assault weapons ban as a part of the [1994 Crime Bill](#), with a sunset provision requiring the ban to be renewed after 10 years. In 2004, when the ban was due to sunset, Congress did not renew it, despite support for its renewal from Republican President George W. Bush.

After the law expired, assault weapons and high-capacity magazines were suddenly legalized, unless otherwise banned by state or local laws. As a result, the U.S. experienced a **183% increase in high-fatality mass shootings** and a **239% increase in deaths** resulting from such shootings in the years that followed.<sup>5</sup> Today, just [seven states and the District of Columbia](#) have assault weapons bans, and efforts to re-enact an assault weapons ban have since [languished in Congress](#). Neither the House bills nor the Senate framework contain such a provision; however, Rep. David Cicilline (D-RI-01) has called on lawmakers to include [the Assault Weapons Ban Act](#) (H.R. 1808) in gun reform discussions. This bill prohibits the importation, sale, manufacturing, transfer, or possession of a semi-automatic assault weapon or large capacity magazine. The measure permits continued use of such weapons for individuals who currently possess them, but incentivizes state and local governments to facilitate a buy-back program through a Department of Justice grant program. House Speaker Nancy Pelosi (D-CA-12) [has vowed](#) to hold a hearing on an assault weapons ban in the near future.

### ***Comprehensive Background Checks***

Current federal law requires that background checks be conducted for gun purchases from a licensed dealer, **but because of loopholes in our current laws, nearly a quarter of Americans who obtain firearms do so without completing a background check**. Background checks are not required for guns sold by non-federally licensed dealers, which can include some online sellers and sellers at gun shows. Consequently, this “gun show” loophole (also referred to as a [private seller exemption](#)) allows people who would otherwise be barred from gun ownership to evade background checks to purchase a firearm.

Last year, the House passed two major bills concerning federal background checks—the [Bipartisan Background Checks Act](#) (H.R. 8), which passed by a vote of **227-203**, and the [Enhanced Background Checks Act](#) (H.R. 1446), which passed by a vote of **219-210**. The Bipartisan Background Checks Act expands applicability to all commercial sales, including those made online and at gun shows. The Enhanced Background Checks Act closes the “[Charleston loophole](#)” that allowed a gunman to

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<sup>4</sup> <https://everytownresearch.org/solution/assault-weapon-ban/>

<sup>5</sup> <https://actionfund.sandyhookpromise.org/issues/gun-safety/magazine-capacity-limits/>

acquire a firearm despite previous criminal history that should have rendered him ineligible. Under current federal law, if there is not an immediate determination of eligibility from a background check, the FBI has three days to investigate, after which, the gun seller may proceed with the transaction in a “[default proceed sale](#).” To address this loophole, the bill would extend the time for a background check review period from three to 10 days to allow more time to affirm eligibility. Neither bill was included in the House or Senate package and the bills have yet to come to a vote in the Senate, despite overwhelming public support for background checks— **93% of voters, 89% of Republicans, and 87% of gun owners support background checks on all gun sales.**

### ***Increased Security in Schools***

One provision in the Senate framework may allocate federal dollars for new school campus infrastructure, including enhancements to school security programs, reinforcements to buildings, and increased presence of armed police officers (typically referred to as “school resource officers”) in schools. As details emerge on funding levels for these provisions, it will be crucial to assess the merits of enhancements to school security, given both the impacts of [over-policing of students of color in schools](#) and the inconsistencies in police responses to school shootings. While providing increased security to students could help deter violence in schools, it is imperative that lawmakers have thoughtful conversations surrounding potential unintended consequences.

Research has shown that increased police presence in schools [can increase the likelihood that students are arrested](#) and increase racial disparities in discipline and arrest rates. Security measures like metal detectors and surveillance can criminalize young students and contribute to the school-to-prison pipeline. Moreover, as evidenced by some school shootings in recent years, the presence of a law enforcement officer does not guarantee that an act of violence won’t occur, or that the officer can stop the perpetrator, particularly if the perpetrator is armed with an assault rifle. In fact, a study of 179 school shootings from 1999 to 2018 showed that there was **no relationship between the presence of school resource officers and the severity of shooting incidents.**<sup>6</sup>

### **Conclusion**

If Congressional efforts to reach a gun deal succeed, it would be [the first major gun control law to make it through Congress](#) in nearly three decades. As the United States witnesses another year of record gun violence, Congress has an opportunity to

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<sup>6</sup> <https://www.thenation.com/article/society/young-people-ualde-massacre/>

break the logjam that has prevented action to address this uniquely American crisis. It is imperative that lawmakers craft these proposals thoughtfully to advance comprehensive solutions that make schools and entire communities safer for all Americans.