

## The State of Gun Safety and Gun Control Bills in Congress

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In the wake of yet another horrific mass shooting, Americans are calling for Congress to “act” on gun safety and gun control. But the truth is, both representatives and senators have been acting on gun legislation very regularly. They just cannot pass any of their bills into law. Mostly they take the form of gun safety and gun control bills introduced by Democratic legislators. In some cases, they take the form of gun rights bills introduced by Republican legislators. In all, almost 195 bills of one kind or another have been introduced into Congress during the 2021-2022 legislative session. The bills never make it out of House or Senate committees except in one case where the House of Representative passed a modest, nationwide background check bill. The Senate blocked that bill, however, under its “filibuster” rule. This advisory summarizes some of the most important bills pending in the current session of Congress and addresses the filibuster rule at the end.

- The House of Representatives passed H.R. 8, the [Bipartisan Background Checks Act of 2021](#), in early 2021. It would require background checks nationwide for all gun sales excluding sales to family members. Although a majority of senators support the bill, a minority of senators blocked a vote using the filibuster rule.
- H.R. 1808, the [Assault Weapons Ban of 2021](#), has 204 sponsors in the House but has not made it out of committee. It would ban the import, sale, manufacture, transfer, or possession of a semiautomatic assault weapon or large capacity ammunition feeding device, which can sometimes turn a traditional gun into a semiautomatic or large-capacity gun. It would exempt law enforcement from the ban. The bill would bring the United States in line with other developed nations (and most nations globally), which ban assault weapons.
- H.R. 1454, the [Ghost Guns Are Guns Act](#), has 88 sponsors and would broaden the federal definition of firearm to include parts that can be assembled into a firearm. “Assemble at Home” guns make up an increasing share of weapons purchased every year. It remains in committee.
- H.R. 825, the [Gun Violence Prevention Research Act](#), would explicitly authorize the U.S. Centers for Disease Control to study the impact of guns on public health and provides funding for such work. Republican legislators spearheaded a law in 1996 that banned the CDC from using its funding to research gun safety matters. Congress softened the ban in 2018 but made no funding available. Such research could form the legal basis for future legislation on gun safety and gun control.
- The most far-reaching bill of all is H.R. 127, the [Sabika Sheick\[1\] Firearm Licensing and Registration Act](#), which would require the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives to create federal regulations requiring all persons to obtain licenses to own firearms and to require registration of each firearm. This bill has no co-sponsors other than Texas Representative Sheila Jackson Lee and is therefore unlikely to progress. If enacted, however, the bill would bring the United States in line with most other nations (and all developed nations), which require some kind of license or registration for all firearm ownership.

The Senate adopted its current filibuster rule in 1975 and it prevents a vote on a bill unless 60 senators agree to end debate. Many constitutional experts question the legality of the Senate’s current filibuster rule, which at its worst uses the Senate’s right to set its own rules to

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change the balance of legislative power set forth in the U.S. Constitution. The rule is probably responsible for the demise of much legislation, including efforts to create a cap-and-trade system for greenhouse gas emissions a decade ago. Until the Senate eliminates or changes the filibuster rule (or a court strikes it down) there is little chance for Congressional action on gun safety and gun control despite strong public support for both.

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[1] Sibika Sheick was a high school student murdered in school in Texas in 2018.

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