

**Kelly Ayotte Can't Have It Both Ways:  
She Voted Against Background Checks and Against New Hampshire Residents**

- ❑ **Bottom Line:** On April 17, Senator Kelly Ayotte voted against the Manchin-Toomey background check amendment, even though 89% of New Hampshire residents want background checks on all gun sales. Now facing heavy backlash, Senator Ayotte is claiming that her vote for the Grassley-Cruz amendment was a vote for background checks. This is patently false: While Manchin-Toomey would require background checks on all commercial sales and improve the existing background check system, Grassley-Cruz would actually *weaken* the system and put more guns in the hands of the severely mentally ill. When Ayotte joined a minority in the Senate to block Manchin-Toomey, she voted against background checks—and it is simply untrue to claim otherwise.
- ❑ **Ayotte's claims:** Senator Ayotte has defended her vote against background checks by pointing to her vote for Grassley-Cruz, claiming that she “voted to improve [the] background check system” and to “address mental health gaps in the criminal justice system.”<sup>1</sup>
  - **The truth:** Grassley-Cruz does not address the single most important problem with the background check system: the private sale loophole which allows 6.6 million guns to be sold each year without background checks. Criminals routinely exploit this private sale loophole: Nearly 80% of inmates who used a handgun in their crimes acquired the gun in a private transfer. Grassley-Cruz would have left this loophole wide open.
  - **The truth:** By comparison, Manchin-Toomey would help keep guns out of the hands of criminals by requiring all gun buyers in commercial settings—including online and at gun shows—to face background checks.
  - **The truth:** Grassley-Cruz would actually *weaken* the background check system by:
    - **Cutting funding for the background check system** by \$105 million in 2013, and providing only one-fifth of the funding that Manchin-Toomey provides for fiscal years 2014-2017.
    - **Making it easier for the seriously mentally ill to buy guns by remove the bans on gun ownership for:**
      - People involuntarily committed to psychiatric hospitals as soon as their commitment order expires—meaning people recently hospitalized and still recovering from a mental health crisis could go directly from the hospital to a gun store and legally buy a firearm;
      - People who have been involuntarily committed to psychiatric hospitals, unless that decision was made by a court—disqualifying all mental health determinations that are made by doctors; and
      - People found to lack the mental capacity to manage their affairs.
    - **Invalidating mental health records already in the system**, by revoking these longstanding bans.
  - **The Truth:** Manchin-Toomey would strengthen the existing background check system by ensuring that state mental health records are entered into the system, removing hurdles to state-level reporting of mental health records, and requiring federal courts to submit critical mental health records.
- ❑ **Ayotte's claim:** Ayotte argues reform should focus on enforcing existing law, claiming Grassley-Cruz “criminalizes gun trafficking and straw purchases.”
  - **The truth:** Background checks are the best enforcement mechanism we have: Checks ensure that people prohibited from buying guns are actually stopped at the point of sale. The background check system blocks about 150,000 gun sales each year to prohibited people.
  - **The truth:** Grassley-Cruz would strip critical law enforcement tools, removing ATF's authority to require dealers to report multiple assault rifles sales.
  - **The truth:** Manchin-Toomey is the centerpiece of a reform bill (S.649) that would create strong new federal crimes for straw purchasing and trafficking. Grassley-Cruz would remove the teeth from these new crimes, denying police the tools necessary to stop crime.

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<sup>1</sup> <http://www.seacoastonline.com/articles/20130510-OPINION-305100329>

	<b>Manchin-Toomey Amendment Ayotte Voted “No”</b>	<b>Grassley-Cruz Amendment Ayotte Voted “Yes”</b>
<b>Requiring Background Checks on All Commercial Gun Sales</b>	<b>Requires background checks on all gun sales in commercial settings, including online, at gun shows, and in classified ads.</b> This is the most important step we can take to keep guns out of dangerous hands.	<b>Retains the loophole that allows felons, domestic abusers, and the severely mentally ill to avoid background checks simply by shopping online or at gun shows.</b> Prohibited people take advantage of this loophole: Nearly 80% of those who commit crimes with handguns acquire the guns in private sales.
<b>Lifting Bans on Gun Possession by the Severely Mentally Ill</b>	<b>Maintains the current prohibitions on gun possession by the seriously mentally ill.</b>	<b>Revokes longstanding bans on gun possession by the severely mentally ill, enabling more mentally ill people to buy guns:</b> <ul style="list-style-type: none"> <li>• <u>People involuntarily committed to psychiatric hospitals</u> could legally buy guns as soon as their commitment order expired, meaning people recently hospitalized and still recovering from a mental health crisis could go directly from the hospital to a gun store—and legally buy a firearm.<sup>2</sup></li> <li>• <u>People involuntarily committed to psychiatric hospitals</u> could legally buy guns, unless they were committed by a court or similar body.<sup>3</sup></li> <li>• <u>People found to lack the mental capacity to enter into contracts or manage their affairs</u> could legally buy guns.<sup>4</sup></li> </ul>
<b>Strengthening the Current Background Check System</b>	<b>Ensures that critical mental health records are submitted to the gun background check system</b> by providing funding to help states get their records in, removing hurdles to state-level reporting of mental health records, and requiring federal courts to submit mental health records. <sup>5</sup>	<b>Weakens the gun background check system by:</b> <ul style="list-style-type: none"> <li>• <u>Cutting funding for the background check system</u> by \$105 million in 2013, and providing only one-fifth of the funding that Manchin-Toomey provides for fiscal years 2014-2017.<sup>6</sup></li> <li>• <u>Revoking longstanding mental health prohibitions</u>—reducing the number of mental health records submitted to the system and invalidating many records already in the system.</li> </ul>
<b>Stripping Law Enforcement Tools</b>	<b>Does not strip any law enforcement tools.</b>	<b>Weakens existing law, stripping ATF’s authority to require dealers to report multiple sales of assault rifles.</b> <sup>7</sup> This reporting program has been highly successful, leading to 120 criminal investigations in its first 8 months. See <a href="http://1.usa.gov/100syLJ">http://1.usa.gov/100syLJ</a> .
<b>Creating New Law Enforcement Tools</b>	<b>Manchin-Toomey is the centerpiece of a reform bill (S.649) that would create new federal crimes for straw purchasing and trafficking,</b> better equipping law enforcement to break up trafficking rings. <sup>8</sup>	<b>Amends the omnibus reform bill (S.649) to strip the teeth from these new crimes, denying law enforcement the tools it needs to stop crime.</b> <sup>9</sup>

<sup>2</sup> Bill text, page 9, lines 11-13

<sup>3</sup> Bill text, page 7, lines 8-14

<sup>4</sup> Bill text, page 7, line 8 - page 9, line 5

<sup>5</sup> Bill text, sections 101-103

<sup>6</sup> Bill text, page 3, line 17 - page 4, line 1

<sup>7</sup> Bill text, section 114

<sup>8</sup> Bill text, section 202

<sup>9</sup> Bill text, section 109