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THE WHITE HOUSE

WASHINGTON

April 16, 1976

MEMORANDUM FOR: PHIL BUCHEN
FROM: KEN LAZARUS ←
SUBJECT: Gun Control Legislation

Attached for your information are copies of the following:

Tab A -- a comparison of the House Judiciary Committee's
bill and the President's gun control proposals;

Tab B -- H. R. 11193, the Committee bill; and

Tab C -- H. R. 9022, the Administration bill.

Copies have also been provided to the Domestic Council.

Attachments



TAB
A



GUN CONTROL LEGISLATION

On April 13, 1976, the House Committee on the Judiciary, by a vote of 20 to 12, ordered favorably reported a clean bill on gun control. That bill would carry out most of the major purposes of the Administration's proposal as outlined below.

Handgun Purchase

Like the Administration's bill, the Committee bill would require that a purchaser of a handgun appear in person at the licensee's place of business to establish his identity and to fill out a sworn statement permitting a police and FBI records check to be conducted. The waiting period provision is somewhat different from that in the Administration's bill, in that, rather than providing a 14-day maximum waiting period, the Committee bill provides that every handgun purchaser would be subject to a 14-day waiting period, even if the results of the police records check were received earlier. If no records check results were received from the police, the handgun could not be transferred under the Committee bill for 28 days. Neither the Administration bill nor the House Committee bill contain the transfer notice provisions for private sales which are under consideration on the Senate side.

Saturday Night Specials

The Committee bill would ban the manufacture, assembly, or sale of "concealable handguns" manufactured after the effective date. Exceptions are made for licensed manufacturers to produce handguns in a quantity authorized by the Secretary of the Treasury for law enforcement and military purposes, for research and development purposes, and for purposes of evaluating a new model to determine whether it satisfies the criteria. The Committee bill uses the existing factoring criteria used by Treasury in evaluating imported handguns rather than the modified version in the Administration bill. However, the factoring criteria in the Committee bill have been modified



to require a minimum four-inch barrel for revolvers, to take into account recent developments in safety features and frame construction, and to incorporate much of the technical language of the Administration's bill. The Committee bill, unlike the Administration's bill, does not cover private sales of Saturday Night Specials and does not cover Saturday Night Specials manufactured before the effective date.

Possession by Ex-Felons

The Committee bill contains amendments substantially identical to those in the Administration's bill to cure the Bass problem in prosecuting possession of firearms by ex-felons.

Regulation of Licensees

The Committee bill and the Administration bill both increase license fees for manufacturers, importers, and dealers, but the license fees in the Committee bill are somewhat lower than those in the Administration's bill. The Committee bill distinguishes between wholesale and retail firearms dealers rather than distinguishing between handgun and long gun dealers.

The Committee bill, like the Administration bill, would permit suspension of a license for violations as an alternative to revocation, but would not permit civil penalties.

The license qualification provisions in the Committee bill are less stringent than those in the Administration bill, adding a requirement of notice to local police of the application for a federal license with notice of compliance with state, federal, and local law, and a requirement of adequate security devices or personnel to protect against theft of firearms or ammunition. The Committee bill does not contain the requirement set forth in the Administration bill that the Secretary of the Treasury find that the applicant for a license, by reason of his business experience, financial standing, or trade connections, is likely to commence the business to which the license applies in a reasonable period of time.



Other Provisions

The Committee bill contains provisions similar to those in the Administration bill on:

multiple sales;

mandatory minimum sentences for commission of offenses with firearms (limited in the Committee bill to crimes of violence);

transfer of a handgun to a person where possession by that person would be in violation of State, Federal, or local law (the seller would have to know the possession was illegal to violate the Committee bill; if the seller did not know or have reason to believe the sale was legal, he would violate the Administration bill if he bought the gun with intent to resell it).

The Committee bill contains provisions not in the Administration bill to:

require compliance with safety regulations for carrier transportation of firearms and ammunition;

require carriers and licensed manufacturers, importers, and dealers to report loss or theft of firearms or ammunition in their control;

provide a 30-day delay in the effective date of regulations under the Gun Control Act, as amended, to permit a House of Congress to pass a resolution disapproving the regulations.

The Committee bill does not contain the provision in the Administration bill making it a federal offense to transport firearms or ammunition in interstate or foreign commerce if the transportation is a violation of the law of the place to which or through which the transportation occurs.

TAB
B



[CONFIDENTIAL COMMITTEE PRINT]

APRIL 12, 1976

Substitute Amendment in the Nature of a Substitute
to H.R. 11193

Offered by

1 Strike out all after the enacting clause and insert in
2 lieu thereof the following:

3 *That this Act may be cited as the "Federal Firearms Act*
4 *of 1976".*

5 TITLE I

6 FINDINGS

7 SEC. 101. *The Congress finds and declares—*

8 (1) *that the handgun has become the principal*
9 *instrument used in violent crime, that ~~the~~^{persons armed with} handguns con-*
10 *stitutes a particular threat to the President and other*
11 *public officials, that a substantial illicit interstate com-*
12 *merce exists in handguns, that convicted felons, mental*
13 *incompetents, and other disqualified persons have virtu-*



1 *ally unrestricted access to, and possession of handguns,*
 2 *and that handgun acquisition, possession, and use, even*
 3 *where purely intrastate in character, directly affects and*
 4 *burdens interstate commerce; and*

5 *(2) that reasonable restrictions on handgun acquisi-*
 6 *tion, possession, and use are therefore necessary to reduce*
 7 *handgun violence, and that such restrictions will not*
 8 *unduly interfere with the lawful use of firearms.*

9 **TITLE II**

10 **DEFINITION OF A FIREARM**

11 *SEC. 201. The first sentence of section 921(a)(3) of*
 12 *title 18 of the United States Code is amended—*

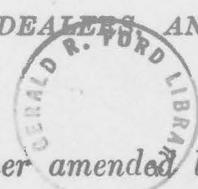
13 *(1) by striking out "or" immediately before clause*
 14 *(D);*

15 *(2) by striking out the period at the end of clause*
 16 *(D) and inserting in lieu thereof the following: "; or";*
 17 *and*

18 *(3) by inserting at the end thereof the following:*
 19 *"(E) any weapon which by the action of an explosive*
 20 *expels a projectile that may remain attached to the*
 21 *weapon by a wire or other means".*

22 **NEW DEFINITIONS FOR MANUFACTURERS, DEALERS AND**
 23 **GUNSMITHS**

24 *SEC. 202. (a) Section 921(a) is further amended by*
 25 *striking out paragraphs (11) and (12) and inserting in lieu*
 26 *thereof the following:*



1 “(11) The term ‘dealer’ means (A) any person en-
2 gaged in the business of selling firearms or ammunition at
3 wholesale or retail, and who may, without further license,
4 engage in business as a gunsmith, (B) any person who is
5 a pawnbroker, (C) any person who is a gunsmith and who
6 is not otherwise a dealer, or (D) any person who is an
7 ammunition retailer. The term ‘wholesale firearms dealer’
8 means any person, other than a dealer in destructive devices,
9 who purchases or otherwise acquires firearms or ammunition
10 from licensed importers or manufacturers and sells, or offers
11 for sale, firearms or ammunition to retail firearms dealers or
12 other wholesale firearms dealers. The term ‘retail firearms
13 dealer’ means any person, other than a dealer in destructive
14 devices, who sells, or offers for sale, any firearms or ammuni-
15 tion to persons not licensed under section 923 of this chapter.
16 The term ‘licensed dealer’ means any dealer who is licensed
17 under the provisions of this chapter.

18 “(12) The term ‘ammunition retailer’ means any per-
19 son who is not otherwise a dealer and who is engaged in
20 the business of selling ammunition (other than ammunition
21 for destructive devices) at retail.

22 “(13) The term ‘gunsmith’ means any person who
23 is not otherwise a dealer and who is engaged in the business
24 of repairing firearms or making, modifying, or fitting barrels,
25 stocks, or trigger mechanisms to firearms.

26 “(14) The term ‘pawnbroker’ means any person whose

1 *business or occupation includes the taking or receiving, by*
2 *way of pledge or pawn, of firearms other than destructive*
3 *devices as security for the payment or repayment of money.”.*

4 (b) *Such section 921(a) is further amended by redesignig-*
5 *nating paragraphs (13) through (20) as (15) through*
6 *(22), respectively.*

7 (c) *Section 922(a)(1) of title 18 of the United States*
8 *Code is amended by inserting “repairing,” immediately after*
9 *“manufacturing,”.*

10 *LICENSING RESTRUCTURING*

11 *SEC. 203. (a) Section 923(a) of title 18 of the United*
12 *States Code is amended—*

13 (1) *by striking out paragraphs (1)(B) and (1)*
14 *(C) and inserting in lieu thereof the following:*

15 “(B) *of firearms other than destructive devices, a*
16 *fee of \$500 per year;*

17 “(C) *of firearms other than destructive devices or*
18 *handguns, a fee of \$200; and*

19 “(D) *of ammunition for firearms other than ammu-*
20 *nition for destructive devices, a fee of \$200 per year.”;*

21 (2) *by striking out “or” at the end of paragraph*
22 *(2)(A);*

23 (3) *by striking out paragraph (2)(B) and insert-*
24 *ing in lieu thereof the following:*

25 “(B) *of firearms other than destructive devices, a*
26 *fee of \$500 per year; and*



1 “(C) of firearms other than destructive devices or
2 handguns, or of ammunition for firearms other than
3 ammunition for destructive devices, or both, a fee of
4 \$200.”;

5 (A) in paragraph (3), by striking out all that fol-
6 lows subparagraph (A), and inserting in lieu thereof the
7 following:

8 “(B) who is a pawnbroker dealing in firearms
9 other than destructive devices, a fee of \$100 per year;

10 “(C) who is a wholesale firearms dealer, a fee of
11 \$125,

12 “(D) who is a retail firearms dealer, a fee of \$50
13 a year;

14 “(E) who is a gunsmith, a fee of \$10 a year; and

15 “(F) who is an ammunition retailer in other than
16 ammunition for destructive devices, a fee of \$25 per
17 year.”.

18 (b) Section 923(c) of title 18 of the United States
19 Code is amended by inserting “(1)” immediately after
20 “(c)” and by adding at the end the following new
21 paragraph:

22 “(2) Prior to renewing the license of a manufacturer or
23 importer, the Secretary shall promptly inspect the premises
24 for which the license renewal is sought and review the records
25 of the applicant to determine whether the applicant for re-
26 newal is in compliance with the requirements of this chapter.”.

1 *LICENSE QUALIFICATION PROVISIONS*

2 *SEC. 204. Section 923(d)(1) of title 18 of the United*
3 *States Code is amended—*

4 *(1) by inserting "the Secretary finds that" im-*
5 *mediately after "approved if";*

6 *(2) by striking out "and" at the end of subpara-*
7 *graph (D); by striking the final period in subparagraph*
8 *(E) and inserting a semicolon in lieu thereof; and by*
9 *inserting immediately after subparagraph (E) the*
10 *following:*

11 *"(F) the applicant has notified the chief local law*
12 *enforcement officer of the jurisdiction in which his prem-*
13 *ises are located, on a form provided by the Secretary, of*
14 *the fact that the applicant has applied for a license, and*
15 *has complied with the laws, ordinances, and regulations*
16 *of the State and locality wherein his premises are*
17 *located;*

18 *"(G) the applicant has on the premises for the li-*
19 *censed activity and agrees to maintain thereon adequate*
20 *security devices or personnel, or both, to maintain the*
21 *security of firearms, firearms parts, or ammunition stored*
22 *on such premises in accordance with reasonable regula-*
23 *tions prescribed by the Secretary."*



1 license shall be given to the holder of such license before the
2 effective date of the suspension or revocation.

3 “(2) If the Secretary denies an application for, or
4 suspends or revokes a license, he shall, upon request by the
5 aggrieved party, promptly hold a hearing to review his denial,
6 suspension, or revocation. In the case of a suspension or revo-
7 cation of a license, the Secretary shall upon the request of the
8 holder of the license stay the effective date of the suspension
9 or revocation. A hearing held under this paragraph shall be
10 held at a location convenient to the aggrieved party.

11 “(3) If after a hearing held under paragraph (2) the
12 Secretary decides not to reverse his decision to deny an ap-
13 plication, or suspend or revoke a license, the Secretary shall
14 give notice of his decision to the aggrieved party. The ag-
15 grieved party may at any time within sixty days after the
16 date notice was given under this paragraph file a petition with
17 the United States district court for the district in which he
18 resides or has his principal place of business for a judicial
19 review of such denial, suspension, or revocation. In a pro-
20 ceeding conducted under this subsection, the court shall
21 consider any evidence submitted by the parties to the pro-
22 ceeding. If the court decides that the Secretary was not au-
23 thorized to deny the application or to suspend or revoke the



1 *license, the court shall order the Secretary to take such action*
2 *as may be necessary to comply with the judgment of the*
3 *court.”.*

4 **CARRIERS REGULATION**

5 *SEC. 208. Section 922 of title 18 of the United States*
6 *Code, is further amended by inserting “(1)” immediately*
7 *after “(f)” in subsection (f) and by adding at the end of*
8 *subsection (f) the following new paragraphs:*

9 *“(2) It shall be unlawful for any common or contract*
10 *carrier knowingly to transport any firearm or ammunition*
11 *in a manner not in conformity with regulations which the*
12 *Secretary, after consultation with the Secretary of Trans-*
13 *portation, shall promulgate to assure safe and secure*
14 *transportation of the firearms or ammunition.*

15 *“(3) Each person engaged in the business of transport-*
16 *ing firearms or ammunition shall report to the Secretary the*
17 *loss or theft of any firearm or ammunition in the custody,*
18 *possession, or control of such person not later than forty-*
19 *eight hours after the discovery of such loss or theft. Such*
20 *report shall be made on forms prescribed by the Secretary*
21 *which shall contain the serial number and the name and ad-*
22 *dress of the manufacturer.”*



1 MISCELLANEOUS AMENDMENTS TO UNLAWFUL ACTS
2 SECTION; CONFORMING REPEAL OF SAFE STREETS
3 ACT TITLE VII

4 SEC. 208. (a) Section 922 of title 18 of the United
5 States Code is further amended—

6 (1) in subsection (g)(3), by striking out “drug
7 (as defined in section 201(v) of the Federal Food,
8 Drug, and Cosmetic Act)”, and inserting in lieu thereof
9 “substance”;

10 (2) in subsection (g)(3), by striking out “(as
11 defined in section 4731(a) of the Internal Revenue
12 Code of 1954); or” and inserting in lieu thereof “as
13 those terms are defined in section 102 of the Controlled
14 Substances Act (21 U.S.C. 802);”;

15 (3) by amending subsection (g)(4) to read as
16 follows:

17 “(4) who has been adjudicated as mentally incom-
18 petent or has been committed to a mental institution:
19 or”;

20 (4) in subsection (g), by striking out “to ship or
21 transport any firearm or ammunition in interstate or
22 foreign commerce” and inserting in lieu thereof the
23 following:

24 “(5) who, being an alien, is illegally or unlawfully
25 in the United States;



1 to possess, ship, transport, or receive any firearm or ammu-
2 nition.”; and

3 (5) by amending subsection (h) to read as follows:

4 “(h)(1) It shall be unlawful for any person who—

5 “(A) is employed by a person who is prohibited
6 from possessing, shipping, transporting, or receiving
7 firearms or ammunition under subsection (g); and

8 “(B) knows or has reason to believe his employer
9 falls within one of the classifications enumerated in sub-
10 section (g);

11 to possess any firearm or ammunition in the course of such
12 employment.

13 “(2) It shall be unlawful for any person to sell or other-
14 wise dispose of any firearm or ammunition to any person un-
15 less he knows or has reason to believe that the transferee
16 is not prohibited from possessing, shipping, transporting,
17 or receiving a firearm or ammunition under subsection (g)
18 or (h)(1) of this section. This paragraph shall not apply
19 to the sale or disposition of a firearm or ammunition to a
20 licensed importer, licensed manufacturer, licensed dealer, or
21 licensed collector who, pursuant to section 925(b) of this
22 chapter, is not precluded from dealing in firearms or am-
23 munition.”.

24 (b) Title VII of the Omnibus Crime Control and



1 section 923 of this chapter knowingly to sell, deliver, or
2 otherwise transfer a firearm to any person (other than a per-
3 son licensed under such section 923) who resides in any
4 jurisdiction which requires a license or permit as a pre-
5 requisite to the purchase of that firearm unless the trans-
6 feree has complied with the law of that jurisdiction pertain-
7 ing to licenses or permits. In the case of a jurisdiction which
8 requires the registration of a handgun or other firearm, each
9 licensed dealer shall forward to the chief local law enforce-
10 ment authority notice of any acquisition made by a resident
11 of that jurisdiction within the time limit required by the
12 registration law of that jurisdiction. In the case of a juris-
13 diction which requires a waiting period to purchase a hand-
14 gun or other firearm, each dealer shall submit notice of such
15 purchase to the chief local law enforcement authority of the
16 transferee's residence and shall not transfer the firearm with-
17 in the waiting period of that jurisdiction.

18 “(q) (1) It shall be unlawful for any person knowingly
19 to import into the United States (including the Canal Zone)
20 any handgun part intended for use in the manufacture or
21 assembly of concealable handguns.

22 “(2) It shall be unlawful for any person knowingly to
23 receive any handgun part intended for use in the manufac-
24 ture or assembly of a concealable handgun, if such part has
25 been imported or brought into the United States (including



1 *the Canal Zone) in violation of the provisions of this chap-*
 2 *ter.”.*

3 “(r) *Whoever conspires to commit an offense defined*
 4 *in this chapter is punishable by imprisonment or fine, or*
 5 *both, which may not exceed the maximum punishment pre-*
 6 *scribed for the offense, the commission of which was the ob-*
 7 *ject of the conspiracy.”.*

8 *ADDITIONAL AMENDMENTS TO SECTIONS 923 AND 922(k)*

9 *SEC. 210. (a) Section 923(i) of title 18 of the United*
 10 *States Code is amended by adding at the end the following*
 11 *new sentence: “The Secretary shall standardize the seriali-*
 12 *zation of firearms to assure that every firearm manufactured*
 13 *or imported after the effective date of this sentence is marked*
 14 *with a unique serial number.”*

15 ~~*(b) Section 922(k) of title 18 of the United States*~~
 16 ~~*Code is amended by inserting immediately after “any fire-*~~
 17 ~~*arm which” the following: “does not bear a serial number*~~
 18 ~~*or which”.*~~

19 *(b) Section 923 of title 18 of the United States Code is*
 20 *further amended by adding at the end thereof the following:*

21 *“(k) The Secretary shall compile and maintain with*
 22 *current information a list by State of every city or county*
 23 *within its jurisdiction which prohibits the sale of handguns*
 24 *or other firearms, requires a license or permit to purchase a*
 25 *handgun or other firearm, a waiting period between purchase*



1 and receipt, or requires residents to register handguns or
2 other firearms upon purchase. At least twice each year the
3 Secretary shall distribute to each licensee the portion of this
4 list which pertains to the State in which the licensee is licensed
5 to operate.

6 “(1) Every person licensed under this section shall report
7 to the Secretary the loss or theft of any firearm or ammunition
8 in the custody, possession, or control of such person not later
9 than forty-eight hours after the discovery of such loss or theft.”

10 **MENTAL INCOMPETENTS; RELIEF FROM DISABILITY**

11 **SEC. 211.** Section 925(c) of title 18 of the United
12 States Code is amended by inserting “(1)” immediately
13 after “(c)” and by adding a new paragraph at the end to
14 read as follows:

15 “(2) Any person who, having been adjudicated as
16 mentally incompetent, or who, having been committed to
17 a mental institution, subsequently has been adjudicated by
18 a court or other lawful authority to have been restored to
19 mental competency, if such court or other lawful authority
20 specifically finds that the person is no longer suffering from
21 a mental disorder, shall be relieved from the disabilities im-
22 posed by this chapter with respect to the acquisition, re-
23 ceipt, transfer, shipment, or possession of firearms incurred
24 because of such adjudication or commitment.”



1 PROHIBITION OF CONCEALABLE HANDGUNS, AND CONFORM-
2 ING AMENDMENTS TO THE UNLAWFUL ACTS SECTION

3 SEC. 213. (a) Section 921(a) of title 18 of the United
4 States Code, as amended by section 202 of this Act, is further
5 amended by adding at the end thereof the following new
6 paragraphs:

7 “(23) The term ‘handgun’ means any firearm which
8 has a short stock and which is designed to be fired by the
9 use of a single hand.

10 “(24) The term ‘pistol’ means a handgun having a
11 chamber or chambers as an integral part or parts of, or per-
12 manently alined with, the bore or bores.

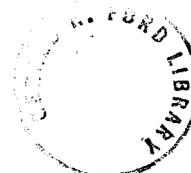
13 “(25) The term ‘revolver’ means a handgun having a
14 breechloading chambered cylinder so arranged that the cock-
15 ing of the hammer or movement of the trigger rotates the
16 cylinder and brings the next cartridge in line with the barrel
17 for firing.

18 “(26) The term ‘handgun model’ means a handgun of
19 a particular design, specification, and designation.

20 “(27) The term ‘minimum requirements for handguns’
21 means:

22 “(A) in the case of a pistol, the handgun model—

23 “(i) has a positive manually operated safety



1 device, or a safety device equal or superior to the
2 manually operated safety device,

3 “(ii) has a combined length and height of not
4 less than ten inches with the height (measured
5 from the top of the weapon, excluding sights, at a
6 right-angle measurement to the line of the bore,
7 to the bottom of the frame, excluding magazine
8 extensions or releases) being at least four inches
9 and the length (measured from the muzzle, parallel
10 to the line of the bore, to the back of the part of
11 the weapon that is farthest to the rear of the weapon)
12 being at least six inches, and

13 “(iii) attains a total of at least seventy-five
14 points under the following criteria:

15 “(I) OVERALL LENGTH.—one point for
16 each one-fourth inch over six inches;

17 “(II) FRAME CONSTRUCTION.—(α) fif-
18 teen points if made of steel having an ultimate
19 tensile strength of at least fifty-five thousand
20 pounds per square inch, and (β) twenty points
21 if made of high tensile strength alloy having
22 an ultimate tensile strength of at least fifty-five
23 thousand pounds per square inch;

24 “(III) PISTOL WEIGHT.—one point for



1 each ounce, with the pistol unloaded and the
2 magazine in place;

3 “(IV) CALIBER.—(α) zero points if the
4 pistol accepts only caliber .22 rimfire short,
5 or metric equivalent, or caliber .25 ACP (Auto-
6 matic Colt Pistol), or metric equivalent ammu-
7 nition, (β) three points if the pistol accepts
8 either caliber .22 rimfire long rifle, or metric
9 equivalent, ammunition or any ammunition
10 within the range delimited by caliber .32 ACP
11 (Automatic Colt Pistol), or metric equivalent,
12 and caliber .380 ACP (Automatic Colt Pistol),
13 or metric equivalent, (γ) 10 points if the pistol
14 accepts caliber 9X19 millimeter (also known
15 as Luger or Parabellum) ammunition or am-
16 munition of an equivalent or greater projectile
17 diameter or ammunition of equivalent or greater
18 power loading, and (δ) in the case of ammuni-
19 tion not falling within one of the classes enumer-
20 ated in subclauses (α) through (γ), such
21 number of points not greater than ten (following
22 the classification schedule of this clause (IV) as
23 nearly as is practicable) as the Secretary shall
24 determine appropriate to the suitability for

1 *sporting purposes of handgun models designed*
2 *for such ammunition;*

3 *“(V) SAFETY FEATURES.—(α) five points*
4 *if the pistol has a locked breech mechanism, (β)*
5 *five points if the pistol has a loaded chamber*
6 *indicator, (γ) three points if the pistol has a*
7 *grip safety, (δ) five points if the pistol has a*
8 *magazine safety, (ε) ten points if the pistol has*
9 *a firing pin block or lock; and*

10 *“(VI) MISCELLANEOUS EQUIPMENT.—*
11 *(α) two points if the pistol has an external*
12 *hammer, (β) ten points if the pistol has a*
13 *double action firing mechanism, (γ) five*
14 *points if the pistol has a drift adjustable target*
15 *sight, (δ) ten points if the pistol has a click*
16 *adjustable target sight, (ε) five points if the*
17 *pistol has target grips, and (ζ) two points*
18 *if the pistol has a target trigger;*

19 *“(B) in the case of a revolver, the handgun model—*

20 *“(i) has an overall frame (with conventional*
21 *grips) length of four and one-half inches (measured*
22 *from the end of the frame nearest the muzzle,*
23 *parallel to the line of the bore to the back of the*
24 *part of the weapon that is farthest to the rear of*
25 *the weapon);*



1 “(ii) has a barrel length (measured from the
2 muzzle to the cylinder face) of at least four inches;

3 “(iii) has a safety device which, either (I) by
4 automatic operation in the case of a double action
5 firing mechanism or (II) by automatic or manual
6 operation in the case of a single action firing mecha-
7 nism, causes the hammer or transfer bar to retract
8 to a point where the firing pin or other firing mecha-
9 nism does not rest upon the primer of the cartridge,
10 and which once activated, is capable of withstanding
11 the impact of a weight equal to the weight of the
12 revolver, dropped a total of five times from a height
13 of thirty-six inches above the rear of the hammer spur
14 onto the rear of the hammer spur with the revolver
15 in a position such that the line of the barrel is per-
16 pendicular to the plane of the horizon, or (III)
17 which is determined to be equal or superior to those
18 listed above; and

19 “(iv) attains a total of at least forty-five points
20 under the following criteria:

21 “(I) BARREL LENGTH.—one-half point for
22 each one-fourth inch that the barrel is longer
23 than four inches;

24 “(II) FRAME CONSTRUCTION.—(α) fif-
25 teen points if made of steel having an ultimate

1 *tensile strength of at least fifty-five thousand*
2 *pounds per square inch, and (β) twenty points*
3 *if made of high tensile strength alloy having an*
4 *ultimate tensile strength of at least fifty-five*
5 *thousand pounds per square inch;*

6 *“(III) REVOLVER WEIGHT.—one point for*
7 *each ounce with the revolver unloaded;*

8 *“(IV) CALIBER.—(α) zero points if the*
9 *revolver accepts only caliber .22 rimfire short,*
10 *or metric equivalent, or caliber .25 ACP (Auto-*
11 *matic Colt Pistol), or metric equivalent, (β)*
12 *three points if the revolver accepts caliber .22*
13 *rimfire long rifle, or metric equivalent, or am-*
14 *munition in the range between caliber .30, or*
15 *metric equivalent, and caliber .38 S&W (Smith*
16 *& Wesson), or metric equivalent, (γ) four*
17 *points if the revolver accepts caliber .38 Special*
18 *(Smith & Wesson Special), or metric equiv-*
19 *alent, (δ) five points if the revolver accepts cali-*
20 *ber .357 Magnum, or metric equivalent, ammu-*
21 *nition or ammunition of an equivalent or*
22 *greater projectile diameter or ammunition of*
23 *equivalent or greater power loading, and (ε)*
24 *in the case of ammunition not falling within*
25 *one of the classes enumerated in subclauses (α)*

1 through (δ), such number of points not greater
2 than five (following the classification schedule of
3 clause (IV) as nearly as practicable) as the
4 Secretary shall determine appropriate to the
5 suitability for sporting purposes of handgun
6 models designed for such ammunition; and

7 “(V) MISCELLANEOUS EQUIPMENT.—(α)
8 five points if the revolver has either drift or click
9 adjustable target sights, (β) five points if the
10 revolver has target grips, and (γ) five points
11 if the revolver has a target hammer and a tar-
12 get trigger.

13 “(28) The term ‘concealable handgun’ means any hand-
14 gun which is manufactured, assembled, produced (whether
15 by alteration, modification, or otherwise), or imported after
16 the effective date of this paragraph, and which does not meet
17 the minimum requirements for handguns.”.

18 (b) Section 922 of title 18 of the United States Code
19 is further amended—

20 (1) by inserting immediately after “replacement
21 firearm” in subsection (a)(2)(A) the following: “,
22 other than a concealable handgun,”;

23 (2) by inserting immediately after “mailing a fire-
24 arm” in subsection (a)(2)(A) the following: “, other
25 than a concealable handgun,”;



1 (3) by striking out "resides in any State other than
2 that in which the transferor resides (or other than that"
3 in subsection (a)(5) and inserting in lieu thereof the
4 following: "does not reside in the State in which the
5 transferor resides (or does not reside in the State";

6 (4) by inserting immediately after "rental of a
7 firearm" in subsection (a)(5) the following: ", except
8 a concealable handgun,";

9 (5) by inserting immediately after "loan or rental
10 of a firearm" in subsection (b)(3)(B) the following:
11 ", other than a concealable handgun,";

12 (6) by inserting immediately after "may sell a
13 firearm" in subsection (c) the following: ", other than
14 a handgun,";

15 (7) by striking out ", in the case of any firearm
16 other than a shotgun or a rifle, I am twenty-one years
17 or more of age, or that, in the case of a shotgun or a
18 rifle," in subsection (c)(1);

19 (8) by striking out subsection (d), and inserting in
20 lieu thereof the following:

21 "(d)(1) It shall be unlawful for any person to manu-
22 facture, assemble, or by any other means produce (whether
23 by alteration, modification, or otherwise) a concealable hand-
24 gun, except that the Secretary may authorize licensed manu-



1 *facturers to produce concealable handguns in a quantity he*
2 *determines is necessary—*

3 *“(A) to supply those persons and entities exempted*
4 *under section 925(a)(1), to purchase concealable hand-*
5 *guns;*

6 *“(B) to carry on programs of research and develop-*
7 *ment; or*

8 *“(C) to evaluate whether a particular handgun*
9 *model meets the minimum requirements for handguns.*

10 *“(2) It shall be unlawful for any person licensed under*
11 *section 923 of this chapter to sell, deliver, or otherwise trans-*
12 *fer a concealable handgun. This paragraph (2) shall not*
13 *apply to the sale, delivery or other transfer of handguns to*
14 *those persons or entities (A) exempted under section 925(a)*
15 *(1) of this chapter, or (B) carrying on approved programs*
16 *of research and development.”.*

17 *(c) Section 925 of title 18 of the United States Code*
18 *is amended—*

19 *(1) by inserting “other than a concealable handgun”*
20 *immediately after “firearms” in subsection (a)(2);*

21 *(2) in subsection (a)(3), by striking out “deter-*
22 *mined by the Secretary of the Treasury to be generally*
23 *recognized as particularly suitable for sporting purposes*
24 *and” and inserting in lieu thereof the following: “which*



1 is a rifle, a shotgun, or a handgun other than a conceal-
2 able handgun”;

3 (3) in subsection (a)(4)(A), by striking out “de-
4 termined by the Secretary to be generally suitable for
5 sporting purposes” and inserting in lieu thereof the fol-
6 lowing: “which is a rifle, a shotgun, or a handgun other
7 than a concealable handgun”;

8 (4) by inserting “or of a State or local law which
9 relates to the importation, manufacture, sale or transfer,
10 of a firearm” immediately after “National Firearms
11 Act” in subsection (c); and

12 (5) in subsection (d)(3), by striking out all after
13 “1954” down through “sporting purposes”, and insert-
14 ing in lieu thereof “and is a rifle, a shotgun, or a hand-
15 gun other than a concealable handgun”.

16 CONGRESSIONAL REVIEW OF ADMINISTRATIVE ACTIONS
17 OF THE SECRETARY

18 SEC. 214. Section 926 of title 18 of the United States
19 Code is amended by inserting “(a)” at the beginning of
20 such section, and by adding at the end of such section the
21 following new subsection:

22 “(b)(1)(A) The Secretary shall transmit to the Con-
23 gress and the Committees on the Judiciary of the House of
24 Representatives and the Senate each rule, regulation, and

1 order promulgated by the Secretary under this chapter after
2 the date of enactment of this subsection. If, during the first
3 period of thirty calendar days of continuous session of Con-
4 gress after the date of its transmittal pursuant to the preced-
5 ing sentence, neither House passes a resolution stating that
6 that House does not approve such rule, regulation, or order,
7 such rule, regulation, or order shall, except as provided
8 under paragraph (2), be effective upon the expiration of
9 such period or the effective date prescribed by the Secretary
10 for such rule, regulation, or order, whichever is later.

11 “(B) For purposes of subparagraph (A) of this
12 paragraph—

13 “(i) continuity of session is broken only by an
14 adjournment of Congress sine die; and

15 “(ii) the days on which either House is not in
16 session because of an adjournment of more than three
17 days to a day certain are excluded in the computation of
18 the thirty-day period.

19 “(2)(A) If, after the date a rule, regulation, or order
20 is transmitted pursuant to paragraph (1) to the Congress
21 and the committees referred to in such paragraph, both
22 Houses of Congress pass a concurrent resolution (described
23 in subparagraph (B)) authorizing such rule, regulation, or
24 order to take effect before the expiration of the thirty-day



1 period applicable to it under paragraph (1), such rule,
 2 regulation, or order may take effect on the date authorized
 3 by such concurrent resolution (unless the Secretary specifies
 4 a later effective date).

5 “(B) The concurrent resolution referred to in subpara-
 6 graph (A) is a concurrent resolution the matter after the
 7 resolving clause of which reads as follows: ‘The Congress
 8 authorizes _____, which was transmitted to Congress
 9 on _____, 19 _____, to take effect on _____’; the
 10 first blank space therein being filled with an identification
 11 of the rule, regulation, or order which is the subject of the
 12 resolution, the second blank space being filled with the date
 13 of transmittal of the rule, regulation, or order, and the third
 14 blank space being filled with the effective date being
 15 authorized by the resolution.”.

16 **TITLE III—HANDGUN PURCHASERS PRE-**
 17 **CLEARANCE PROCEDURES AND EFFEC-**
 18 **TIVE DATE**

19 **PRECLEARANCE PROCEDURES**

20 **SEC. 301.** Section 922 of title 18 of the United States
 21 Code is further amended by adding at the end the following:

22 “(s) In any case not otherwise prohibited by this chap-
 23 ter, a licensed importer, licensed manufacturer, or licensed
 24 dealer may sell, deliver, or otherwise transfer a handgun to
 25 a person (other than a licensed importer, manufacturer, or

1 dealer) only if such person, or if the transferee is not a
2 natural person, an agent of the transferee appears in person
3 at the licensee's business premises and, in order to assure that
4 purchase and possession of the handgun by the transferee
5 would be in accordance with Federal, State, and local law
6 applicable at the place of sale, delivery, or other disposition,
7 and only if—

8 “(1) the transferee submits to the transferor a
9 sworn statement on a form prescribed by the Secretary
10 which states—

11 “(A) his name, and his residence; and

12 “(B) that his receipt of the handgun will not
13 be in violation of Federal law, or of a State or
14 local law applicable to his place of residence, and
15 that he does not intend to resell or transfer the
16 handgun to a person who is barred from owning
17 or possessing it by Federal, State, or local law ap-
18 plicable to the place of the latter person's residence.

19 The sworn statement shall include the title, name, and
20 address of the chief law enforcement officer of the place
21 of the transferee's residence. If a State or local law
22 applicable at the place of the transferee's residence re-
23 quires that a person must have a permit or license to
24 own, possess, or purchase the handgun, a true copy of
25 such permit or license shall be attached to the sworn

1 *statement. Any other information required to be supplied*
2 *to own, possess, or acquire a handgun under such State*
3 *or local law shall also be attached to the sworn statement;*

4 *“(2) the transferee provides identification sufficient*
5 *to establish, under regulations prescribed by the Secre-*
6 *tary, reasonable grounds to believe that the transferee is*
7 *the person he claims to be, and that the transferee’s resi-*
8 *dence is at the address stated in the transferee’s sworn*
9 *statement;*

10 *“(3) the transferor has, prior to delivery of the*
11 *handgun, forwarded immediately by registered or certi-*
12 *fied mail (return receipt requested), to the chief law*
13 *enforcement officer of the transferee’s place of residence*
14 *a copy of the sworn statement, in a form prescribed by*
15 *the Secretary, for purposes of notifying such officer of*
16 *the proposed transaction, and of permitting such officer—*

17 *“(A) to check the record and identity of the*
18 *transferee, to determine whether ownership or pos-*
19 *session of the handgun by the transferee would be*
20 *in violation of State or local law of the transferee’s*
21 *residence;*

22 *“(B) to request a record and identity check by*
23 *the Federal Bureau of Investigation which shall be*
24 *sent to the chief law enforcement officer within*

1 *ten working days of the Bureau's receipt of the*
2 *request; and*

3 *“(C) to report to the transferor a conclusion as*
4 *to whether the transferee is prohibited by law from*
5 *receiving a handgun; and*

6 *“(4) the transferor has not received the conclusion*
7 *of the chief law enforcement officer of the transferee's*
8 *place of residence that the transferee is prohibited from*
9 *shipping, possessing, transporting, or receiving a handgun*
10 *under subsection (g) of this section, that the transferee is*
11 *less than eighteen years of age, or that the purchase or*
12 *possession of a handgun by the transferee would be a*
13 *violation of State or local law applicable at the place of*
14 *residence.*

15 *In no event shall the transferor deliver the handgun to the*
16 *transferee before at least fourteen days have elapsed after the*
17 *transferee has submitted his sworn statement to the transferor.*
18 *The transferor may deliver a handgun to the transferee if*
19 *twenty-eight days have elapsed after the transferor has sub-*
20 *mitted the sworn statement of the transferee to the transferee's*
21 *local chief law enforcement officer and the transferor has*
22 *not been advised that the transferee is prohibited by law from*
23 *receiving a handgun. A copy of the sworn statement and a*
24 *copy of the notification or notifications to the chief law en-*

1 *forcement officer or officers, together with the conclusions*
2 *received from such officer under paragraph (3) of this*
3 *subsection shall be retained by the licensee as a part of the*
4 *records required to be kept under section 923(g).”.*

5

EFFECTIVE DATE

6 *SEC. 302. (a) The amendments made by this Act shall*
7 *take effect ninety days after the date of the enactment of this*
8 *Act.*

9 *(b) A valid license issued pursuant to section 923 of*
10 *title 18 of the United States Code shall be valid until it ex-*
11 *pires according to its terms unless it is sooner suspended,*
12 *revoked, or terminated pursuant to applicable provisions of*
13 *law.*

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TAB
C

U.S. RECORDS

RECEIVED
JUL 29 1975
U.S. HOUSE OF REPRESENTATIVES

94TH CONGRESS
1ST SESSION

H. R. 9022

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1975

Mr. McClORY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ban the importation, manufacture, sale, and transfer of Saturday Night Specials, to improve the effectiveness of the Gun Control Act of 1968, to ban possession, shipment, transportation, and receipt of all firearms by felons, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Congress hereby finds and declares—

4 (a) that the traffic in cheap, low-quality, and easily
5 concealable handguns, which are commonly known as
6 Saturday Night Specials and which have no legitimate
7 sporting or valid defensive purpose, constitutes a serious
8 threat to general law enforcement, to the public safety,



1 and to the integrity of State and local firearms control
2 laws;

3 (b) that the criminal misuse of these handguns
4 is a significant factor in the prevalence of lawlessness
5 and violent crime in the United States, thus contribut-
6 ing greatly to the Nation's law enforcement problems;

7 (c) that the existing ban on importation of Sat-
8 urday Night Specials has been effectively subverted by
9 the importation of parts and the domestic assembly and
10 manufacture of the weapons the Congress banned from
11 importation; and

12 (d) that the absence of effective controls on do-
13 mestic manufacture and sale of small, easily concealable,
14 and cheap handguns known as Saturday Night Specials
15 constitutes a major shortcoming in existing law, circum-
16 vents the purpose of the import restrictions of existing
17 law, and makes possible commercial traffic among the
18 States and within the States in cheap and deadly weap-
19 ons which serve no sporting or valid defensive purpose
20 and which threaten the physical safety and well-being
21 of all Americans.

22 SEC. 2. The Congress further finds and declares: .

23 (a) that the receipt or possession of firearms and
24 ammunition by persons barred by Federal law from such
25 receipt or possession constitutes—



1 (1) a burden on commerce within and among
2 the States; and

3 (2) a threat to the domestic tranquility;

4 (b) that a person obtaining a Federal license to
5 import, manufacture, or deal in firearms should be a
6 bona fide importer, manufacturer, or dealer operating
7 not only within the Federal laws but also within State
8 and applicable local laws; and

9 (c) that the burden on commerce caused by illegal
10 possession of handguns by felons and by persons barred
11 from possession of handguns by Federal, State, or local
12 law requires an increased obligation on the transferor of
13 handguns and on law enforcement agencies to assure that
14 there is no sale or transfer of a handgun to a person not
15 authorized to possess it.

16 SEC. 3. Section 842 of title 18, United States Code, is
17 amended—

18 (a) by deleting “(as defined in section 4761 of
19 the Internal Revenue Code of 1954)” in subsection
20 (d) (5);

21 (b) by deleting “drug (as defined in section 201
22 (v) of the Federal Food, Drug, and Cosmetic Act)” in
23 subsection (d) (5) and inserting in lieu thereof “sub-
24 stance”;

25 (c) by deleting “(as defined in section 4721 (a) of



1 the Internal Revenue Code of 1954); or" in subsection
2 (d) (5) and inserting in lieu thereof "as those terms
3 are defined in section 102 of the Controlled Substances
4 Act (21 U.S.C. 802)";

5 (d) by deleting subsection (d) (6) and inserting
6 in lieu thereof the following:

7 "(6) has been adjudicated as mentally incompetent
8 or has been committed to a mental institution; or

9 "(7) being an alien, is illegally or unlawfully in the
10 United States.";

11 (e) by deleting "(as defined in section 4761 of the
12 Internal Revenue Code of 1954)" in subsection (i) (3);

13 (f) by deleting "drug (as defined in section 201 (v)
14 of the Federal Food, Drug, and Cosmetic Act)" in sub-
15 section (i) (3) and inserting in lieu thereof "substance";

16 (g) by deleting "(as defined in section 4731 (a) of
17 the Internal Revenue Code of 1954); or" in subsection
18 (i) (3) and inserting in lieu thereof "as those terms are
19 defined in section 102 of the Controlled Substances Act
20 (21 U.S.C. 802)"; and

21 (h) by deleting subsection (i) (4) and inserting in
22 lieu thereof the following:

23 "(4) who has been adjudicated as mentally in-
24 competent or has been committed to a mental institution;
25 or



1 “(5) who, being an alien, is illegally or unlawfully
2 in the United States;”.

3 SEC. 4. Section 843 of title 18, United States Code, is
4 amended—

5 (a) by deleting “forty-five” in subsection (c) and
6 inserting in lieu thereof “ninety”; and

7 (b) by amending subsections (d) and (e) to read
8 as follows:

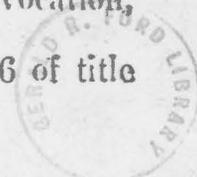
9 “(d) (1) The Secretary may revoke a license or permit
10 issued under this chapter if the person holding the license
11 or permit is ineligible to acquire explosive materials under
12 section 842 (d).”

13 “(2) A person who has a license or permit issued under
14 this section and who violates a provision of this section or
15 a rule or regulation prescribed by the Secretary under this
16 chapter, shall be subject to a civil penalty, to be imposed
17 by the Secretary, of up to \$10,000 for each violation, or to
18 suspension or revocation of his license or permit, or to both
19 the civil penalty and revocation or suspension. The Secretary
20 may at any time compromise, mitigate, or remit such pen-
21 alties. An action of the Secretary under this subsection is
22 subject to review only as provided in subsection (e) of this
23 section.

24 “(e) (1) Any person whose application is denied or
25 whose license or permit is suspended or revoked or who is

1 assessed a civil penalty shall receive a written notice from the
2 Secretary stating the specific grounds upon which such denial,
3 suspension, revocation, or civil penalty is based. Any notice
4 of a suspension or revocation of a license or permit shall be
5 given to the holder of such license or permit prior to or con-
6 current with the effective date of the suspension or revo-
7 cation.

8 “(2) If the Secretary denies any application for, or
9 suspends or revokes, a license, or permit, or assesses a civil
10 penalty, he shall, upon request by the aggrieved party,
11 promptly hold a hearing to review his denial, suspension,
12 revocation, or assessment. In the case of a suspension or revo-
13 cation, the Secretary may upon a request of the holder stay
14 the effective date of the suspension or revocation. A hearing
15 under this section shall be at a location convenient to the
16 aggrieved party. The Secretary shall give written notice of
17 his decision to the aggrieved party within a reasonable time
18 after the hearing. The aggrieved party may, within sixty
19 days after receipt of the Secretary's written decision, file a
20 petition with the United States court of appeals for the dis-
21 trict in which he resides or has his principal place of business
22 for a judicial review of such denial, suspension, revocation,
23 or assessment pursuant to sections 701 through 706 of title
24 5, United States Code.”



1 SEC. 5. Section 921 (a) of title 18, United States Code,
2 is amended—

3 (a) by amending paragraph (11) to read as fol-
4 lows:

5 “(11) The term ‘dealer’ means any person who is (A)
6 engaged in business as an ammunition retailer, (B) engaged
7 in business as a gunsmith, (C) engaged in business a fire-
8 arms dealer, or (D) a pawnbroker. The term ‘licensed dealer’
9 means any dealer who is licensed under the provisions of
10 this chapter.”;

11 (b) by redesignating paragraphs (12), (13),
12 (14), (15), (16), (17), (18), (19), and (20) as
13 paragraphs (19), (20), (21), (22), (23), (24),
14 (25), (26), and (27), respectively; and

15 (c) by adding after paragraph (11) the following
16 new paragraphs:

17 “(12) The term ‘ammunition retailer’ means any per-
18 son who is not otherwise a dealer who is engaged in the
19 business of selling ammunition at retail, other than ammuni-
20 tion for destructive devices.

21 “(13) The term ‘gunsmith’ means any person who is
22 not otherwise a dealer who is engaged in the business of
23 repairing firearms or making or fitting special barrels, stocks,
24 or trigger mechanisms to firearms.



1 “(14) The term ‘firearms dealer’ means any person who
2 is engaged in the business of selling firearms or ammunition
3 at wholesale or retail.

4 “(15) The term ‘handgun’ means a firearm which has
5 a short stock and which is designed to be held and fired by
6 the use of a single hand. The term also includes any com-
7 bination of parts from which a handgun can be assembled.

8 “(16) The term ‘handgun model’ means a particular
9 design and specification of a handgun.

10 “(17) The term ‘pistol’ means a handgun having a
11 chamber or chambers as an integral part or parts of, or per-
12 manently alined with, the bore or bores.

13 “(18) The term ‘revolver’ means a handgun having a
14 breechloading chambered cylinder so arranged that the cock-
15 ing of the hammer or movement of the trigger rotates the
16 cylinder to bring the next cartridge in line with the barrel
17 for firing.”.

18 SEC. 6. Section 922 of title 18, United States Code, is
19 amended:

20 (a) by adding after the words “replacement fire-
21 arm” in subsection (a) (2) (A) the words “, other
22 than a handgun of a model which has not been approved
23 by the Secretary under section 923 (k),”;

24 (b) by adding after the words “mailing a firearm”
in subsection (a) (2) (A) the words “, other than a



1 handgun of a model which has not been approved by the
2 Secretary under section 923 (k),”;

3 (c) by deleting “resides in any State other than
4 that in which the transferor resides (or other than that”
5 in subsection (a) (5) and inserting in lieu thereof “does
6 not reside in the State in which the transferor resides
7 (or does not reside in the State”;

8 (d) by adding after the words “rental of a firearm”
9 in subsection (a) (5) the words “, except a handgun
10 of a model which has not been approved by the Secre-
11 tary under section 923 (k) of this chapter,”;

12 (e) by adding after the words “loan or rental of
13 a firearm” in subsection (b) (3) (B) the words “, other
14 than a handgun of a model which has not been approved
15 by the Secretary under section 923 (k),”;

16 (f) by adding after the words “may sell a firearm”
17 in subsection (c) the words “, other than a handgun,”;

18 (g) by deleting “, in the case of any firearm other
19 than a shotgun or a rifle, I am twenty-one years or more
20 of age, or that, in the case of shotgun or a rifle,” in sub-
21 section (c) (1) ;

22 (h) by repealing subsections (d) and (h) ;

23 (i) by redesignating subsections (e) and (f) as
24 subsections (m) and (n), respectively, by redes-



1 ignating subsections (i), (j), (k), (l), and (m) as
2 subsections (o), (p), (q), (r), and (s), respectively,
3 and by redesignating subsection (g) as subsection (h);

4 (j) by adding after subsection (c) the following
5 new subsections:

6 “(d) (1) It shall be unlawful for any licensed manu-
7 facturer, licensed importer, licensed dealer, or licensed col-
8 lector to manufacture, assemble, sell, or transfer any hand-
9 gun, other than a curio or relic, in the United States unless
10 the handgun model has been approved by the Secretary
11 pursuant to section 923 (k) of this chapter.

12 “(2) It shall be unlawful for any person other than a
13 licensed manufacturer, licensed importer, licensed dealer, or
14 licensed collector to sell or transfer any handgun, other than
15 a curio or relic, in the United States knowing that the hand-
16 gun is a model which has not been approved by the Secretary
17 pursuant to section 923 (k) of this chapter.

18 “(c) It shall be unlawful for any person to modify a
19 handgun if the handgun model was previously approved by
20 the Secretary for manufacture, assembly, importation, sale,
21 or transfer if as a result of the modification the handgun no
22 longer meets the standards of a handgun model approved
23 under section 923 (k) of this chapter.

24 “(f) It shall be unlawful for any person who purchases
25 or receives a handgun with the purpose of selling or trans-



1 ferring the handgun to another person to sell or transfer the
2 handgun to another person unless he knows or has reason-
3 able cause to believe that purchase and possession of the
4 handgun would be in accordance with Federal law and with
5 State law and any published ordinance applicable at the
6 place of sale, delivery, or other disposition. This subsection
7 shall not apply to transactions between licensed importers,
8 licensed manufacturers, licensed dealers, and licensed
9 collectors.

10 “(g) In any case not otherwise prohibited by this
11 chapter, a licensed importer, licensed manufacturer, or
12 licensed dealer may sell a handgun to a person only if the
13 person appears in person at the licensee’s business premises
14 (other than a licensed importer, manufacturer, or dealer)
15 and, in order to assure that purchase and possession of the
16 handgun by the transferee would be in accordance with
17 Federal law and with State law and any published ordi-
18 nance applicable at the place of sale, delivery, or other
19 disposition, only if:

20 “(1) the transferee submits to the transferor a
21 sworn statement prescribed in regulations to be promul-
22 gated by the Secretary setting forth:

23 “(A) his name, his residence, and the place
24 where the handgun will be kept; and

25 “(B) that his receipt of the handgun will not



1 be in violation of Federal law, or of a State law
2 or any published ordinance of the place of his resi-
3 dence or, if the handgun will be kept at a place
4 other than his place of residence, of the place where
5 the handgun will be kept, and that he does not
6 intend to resell or transfer the handgun to a per-
7 son who is barred from owning or possessing it
8 by Federal or State law or any published ordinance
9 of the place of the latter person's residence or other
10 place where the handgun would be kept.

11 The sworn statement shall also include the true title,
12 name, and address of the chief law enforcement officer
13 of the place of the transferee's residence and the place
14 where the handgun will be kept. If a State law or
15 published ordinance applicable at the place of the trans-
16 feree's residence or the place where the handgun will
17 be kept requires that a person must have a permit or
18 license to own, possess, or purchase the handgun, a true
19 copy of such permit or license shall be attached to the
20 sworn statement. Any other information required to be
21 supplied to own, possess, or acquire a handgun under
22 such State law or published ordinance shall also be
23 attached to the sworn statement;

24 "(2) the transferee provides identification sufficient
25 to establish, under rules and regulations of the Secre-



1 tary, reasonable grounds to believe that the transferee
2 is the person he claims to be, and that his residence is
3 at the address stated in the transferee's sworn statement;

4 “(3) the transferor has, prior to delivery of the
5 handgun, forwarded immediately by registered or certi-
6 fied mail (return receipt requested), to the chief law
7 enforcement officer of the transferee's place of residence
8 and to the chief law enforcement officer of any other
9 place where the transferee indicates in his sworn state-
10 ment that he will keep the handgun, a copy of the sworn
11 statement, in a form prescribed by the Secretary, for
12 purposes of notifying such officer of the proposed trans-
13 fer and of permitting such officer:

14 “(A) to check the record and identity of the
15 transferee, to determine whether ownership or pos-
16 session of the handgun by the transferee would be
17 a violation of a State law or any published ordinance
18 of the place of the transferee's residence or the place
19 where the handgun will be kept;

20 “(B) to request a name check by the Federal
21 Bureau of Investigation which shall be sent to the
22 chief law enforcement officer within five working
23 days of the Bureau's receipt of the request; and

24 “(C) to report to the transferor the results of
25 such check, determination, and request;

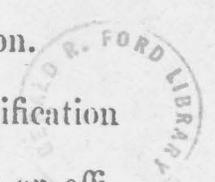


1 “(4) the transferor has received a return receipt
2 evidencing delivery of the statement or has had the
3 statement returned due to the refusal of the named ad-
4 dressee to accept such letter in accordance with United
5 States Postal Service regulations;

6 “(5) the transferor has received reports from the
7 chief law enforcement officer of the transferee's place
8 of residence and of the other place where the transferee
9 has indicated that the handgun will be kept, and the
10 reports do not indicate that the transferee is prohibited
11 from shipping, possessing, transporting, or receiving a
12 handgun under subsection (h) or (i) of this section,
13 that the transferee is less than twenty-one years of age,
14 or that the purchase or possession of a handgun by the
15 transferee would be a violation of a State law or any
16 published ordinance applicable at the place of residence
17 or place where the handgun will be kept; and

18 “(6) if the transferor has not received the reports
19 from the law enforcement officers, the transferor has de-
20 layed delivery of the handgun for a period of at least
21 fourteen days from the date the sworn statement required
22 under paragraph (1) of this subsection was forwarded
23 as prescribed in paragraph (3) of this subsection.

24 A copy of the sworn statement and a copy of the notification
25 or notifications to the chief law enforcement officer or offi-



1 cers, together with the reports received from such officer or
2 officers under paragraph (3) of this subsection shall be re-
3 tained by the licensee as a part of the records required to be
4 kept under section 923 (g).”;

5 (k) by deleting “drug (as defined in section 201 (v)
6 of the Federal Food, Drug, and Cosmetic Act)” in sub-
7 section (h) (3) and inserting in lieu thereof “sub-
8 stance”;

9 (l) by deleting “(as defined in section 4731 (a) of
10 the Internal Revenue Code of 1954); or” in subsection
11 (h) (3) and inserting in lieu thereof “as those terms are
12 defined in section 102 of the Controlled Substances Act
13 (21 U.S.C. 802);”;

14 (m) by amending subsection (h) (4) to read as
15 follows:

16 “(4) who has been adjudicated as mentally incom-
17 petent or has been committed to a mental institution;
18 or”;

19 (n) by deleting “to ship or transport any firearm
20 or ammunition in interstate or foreign commerce” in
21 subsection (h) and inserting in lieu thereof:

22 “(5) who, being an alien, is illegally or unlawfully
23 in the United States;

24 to possess, ship, transport, or receive any firearm or ammuni-
25 tion.”;



1 (o) by adding after subsection (h) the following
2 new subsections:

3 “(i) It shall be unlawful for any person who, while
4 being employed by a person who is prohibited from possess-
5 ing, shipping, transporting, or receiving firearms or ammu-
6 nition under subsection (h), and who, knowing or having
7 reason to believe his employer falls within one of the classifi-
8 cations enumerated in subsection (h), in the course of such
9 employment to possess any firearm or ammunition.

10 “(j) It shall be unlawful for any person to sell or other-
11 wise dispose of any firearm or ammunition to any person
12 unless he knows or has reasonable cause to believe that such
13 person is not prohibited from possessing, shipping, transport-
14 ing, or receiving a firearm or ammunition under subsection
15 (h) or (i) of this section. This subsection shall not apply
16 with respect to the sale or disposition of a firearm or ammu-
17 nition to a licensed importer, licensed manufacturer, licensed
18 dealer, or licensed collector who pursuant to subsection (b)
19 of section 925 of this chapter is not precluded from dealing
20 in firearms or ammunition.

21 “(k) It shall be unlawful for any person to ship or trans-
22 port any firearm or ammunition in interstate or foreign com-
23 merce if such shipment or transportation is in violation of a
24 State law in a place to which or through which the firearm

1 was shipped or transported or of a published ordinance appli-
2 cable at the place of sale, delivery, or other disposition.

3 “(1) (1) It shall be unlawful for any licensed importer,
4 licensed manufacturer, licensed dealer, or licensed collector to
5 sell or transfer two or more handguns to the same person,
6 other than another licensed importer, licensed manufacturer,
7 licensed dealer, or licensed collector, in a period of thirty days
8 or less, unless the transferee has obtained prior approval of
9 the purchase from the Secretary, pursuant to regulations pro-
10 mulgated by the Secretary.

11 “(2) It shall be unlawful for any person, other than
12 a licensed importer, licensed manufacturer, licensed dealer,
13 or licensed collector to purchase or receive two or more
14 handguns in a period of thirty days or less from one or more
15 licensed importers, licensed manufacturers, licensed dealers,
16 or licensed collectors or from such a licensee and from a
17 person or persons who are not such licensees, unless the
18 person has obtained prior approval of the purchase from
19 the Secretary pursuant to regulations promulgated by the
20 Secretary. It shall be unlawful for any person, other than
21 a licensed importer, licensed manufacturer, licensed dealer,
22 or licensed collector to purchase or receive two or more
23 handguns in a period of thirty days or less from a person or
24 persons other than a licensed importer, licensed manufac-



1 turer, licensed dealer, or licensed collector unless the person
2 notifies the Secretary of such purchase or receipt within
3 thirty days after the purchase or receipt.”.

4 SEC. 7. Section 923 of title 18, United States Code,
5 is amended—

6 (a) by deleting subsections (a) (1) (B) and (C)
7 and inserting in lieu thereof the following:

8 “(B) of firearms other than destructive devices or
9 handguns, a fee of \$250 per year;

10 “(C) of firearms, including handguns, but not in-
11 cluding destructive devices, a fee of \$500 per year; or

12 “(D) of ammunition for firearms other than am-
13 munition for destructive devices, a fee of \$250 per
14 year.”;

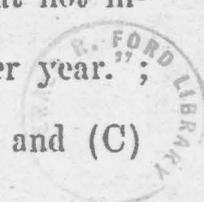
15 (b) by deleting the word “or” at the end of sub-
16 section (a) (2) (A);

17 (c) by deleting subsection (a) (2) (B) and in-
18 serting in lieu thereof the following:

19 “(B) of firearms other than destructive devices
20 or handguns or of ammunition for firearms other than
21 destructive devices, a fee of \$250 per year; or

22 “(C) of firearms, including handguns, but not in-
23 cluding destructive devices, a fee of \$500 per year.”;

24 (d) by deleting subsections (a) (3) (B) and (C)
25 and inserting in lieu thereof the following:



1 “(B) who is a pawnbroker dealing in firearms
2 other than destructive devices or handguns, or ammuni-
3 tion for firearms other than destructive devices, a fee
4 of \$250 per year;

5 “(C) who is a pawnbroker dealing in firearms, in-
6 cluding handguns, but not including destructive devices,
7 a fee of \$500;

8 “(D) who is not a dealer in destructive devices or
9 handguns, a pawnbroker, a gunsmith, or an ammuni-
10 tion retailer in other than ammunition for destructive
11 devices, a fee of \$100 per year;

12 “(E) in firearms, including handguns, but not in-
13 cluding destructive devices, \$200 per year;

14 “(F) who is a gunsmith, a fee of \$50 per year; or

15 “(G) who is an ammunition retailer in other than
16 ammunition for destructive devices, a fee of \$25 a year.”;

17 (c) by deleting the language in subsection (d) (1)
18 which precedes subparagraph (A) and inserting in lieu
19 thereof the following: “Any application submitted under
20 subsection (a) or (b) of this section shall be approved
21 if the Secretary finds that—”;

22 (f) by amending subsection (d) (1) (B) to read as
23 follows:

24 “(B) the applicant (including, in the case of a cor-
25 poration, partnership, or association, any individual pos-



1 sessing, directly or indirectly, the power to direct or
2 cause the direction of the management and policies of
3 the corporation, partnership, or association) :

4 “(i) is not prohibited from possessing, trans-
5 porting, shipping, or receiving firearms or ammu-
6 nition under section 922 (h) or (i) of this chapter;

7 “(ii) is not prohibited by the law of the State
8 or by relevant ordinance of his place of business
9 from conducting the business of transporting, ship-
10 ping, receiving, selling, transferring, owning, or
11 possessing the firearms or ammunition to which the
12 license would apply; and

13 “(iii) is, by reason of his business experience,
14 financial standing, or trade connections, likely to
15 commence the business for which the license is ap-
16 plied within a reasonable period of time and to main-
17 tain such business in conformity with Federal law
18 and with State and relevant local law applicable at
19 his place of business;”;

20 (g) by deleting “forty-five” in subsection (d) (2)
21 and inserting in lieu thereof “ninety”;

22 (h) by amending subsections (e) and (f) to read
23 as follows:

24 “(e) The Secretary may, after notice and opportunity
25 for hearing, suspend or revoke any license issued under



1 this section, or may subject the licensee to a civil penalty of
2 up to \$10,000 per violation, if the holder of such license
3 has violated any provision of this chapter or any rule or
4 regulation prescribed by the Secretary under this chapter,
5 The Secretary may at any time compromise, mitigate, or
6 remit the liability with respect to such violation. The Sec-
7 retary's action under this subsection may be reviewed only
8 as provided in subsection (f) of this section.

9 “(f) (1) Any person whose application for a license is
10 denied and any holder of a license which is suspended or
11 revoked or who is assessed a civil penalty shall receive a
12 written notice from the Secretary stating specifically the
13 grounds upon which the application was denied or upon
14 which the license was suspended or revoked or the civil
15 penalty assessed. Any notice of a suspension or revocation
16 of a license shall be given to the holder of such license before
17 the effective date of the suspension or revocation.

18 “(2) If the Secretary denies an application for, or
19 suspends or revokes a license, or assesses a civil penalty, he
20 shall, upon request by the aggrieved party, promptly hold
21 a hearing to review his denial, suspension, revocation, or
22 assessment. In the case of a suspension or revocation of a
23 license, the Secretary shall upon the request of the holder
24 of the license stay the effective date of the suspension or

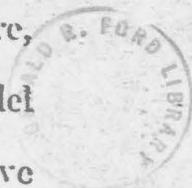


1 revocation. A hearing held under this paragraph shall be
2 held at a location convenient to the aggrieved party.

3 “(3) If after a hearing held under paragraph (2)
4 the Secretary decides not to reverse his decision to deny an
5 application or suspend or revoke a license or assess a civil
6 penalty, the Secretary shall give notice of his decision to
7 the aggrieved party. The aggrieved party may at any time
8 within sixty days after the date notice was given under this
9 paragraph file a petition with the United States' district court
10 for the district in which he resides or has his principal place
11 of business for a judicial review of such denial, suspension,
12 revocation, or assessment. In a proceeding conducted under
13 this subsection, the court may consider any evidence sub-
14 mitted by the parties to the proceeding. If the court decides
15 that the Secretary was not authorized to deny the application
16 or to suspend or revoke the license or to assess the civil
17 penalty, the court shall order the Secretary to take such
18 action as may be necessary to comply with the judgment of
19 the court.”;

20 (i) by adding the following new subsections after
21 subsection (j) :

22 “(k) The Secretary shall approve for manufacture,
23 assembly, importation, sale, or transfer any handgun model
24 if he has caused to be evaluated and tested representative
25 samples of the handgun model and has found that such hand-



1 gun model is particularly suitable for sporting or valid
2 defensive purposes and that—

3 “(1) in the case of a pistol, the handgun model—

4 “(A) has a positive manually operated safety
5 device; and

6 “(B) has a combined length and height of not
7 less than ten inches with the height (measured
8 from the top of the weapon, excluding sights, at a
9 right-angle measurement to the line of the bore,
10 to the bottom of the frame, excluding magazine
11 extensions or releases) being at least four inches and
12 the length (measured from the muzzle, parallel to
13 the line of the bore, to the back of the part of the
14 weapon that is furthest to the rear of the weapon)
15 being at least six inches; and

16 “(C) attains a total of at least eighty-five
17 points under the following criteria:

18 “(i) Overall length: one point for each
19 one-fourth inch over six inches;

20 “(ii) Frame Construction: (a) twenty-five
21 points if investment cast steel or forged steel,
22 (b) thirty points if investment cast, high ten-
23 sile strength alloy or forged high tensile
24 strength alloy;

25 “(iii) Weight: one point for each ounce,



1 with the pistol unloaded and the magazine in
2 place;

3 “(iv) Caliber: (a) zero points if the pistol
4 accepts only .22 caliber short or .25 ACP cali-
5 ber ammunition, (b) three points if the pistol
6 accepts either .22 caliber long rifle ammunition
7 or any ammunition within the range delimited
8 by 7.65 millimeter and .380 caliber automatic,
9 (c) ten points if the pistol accepts nine milli-
10 meter parabellum ammunition or ammunition
11 of an equivalent or greater projectile size or
12 power;

13 “(v) Safety features: (a) five points if the
14 pistol has a locked breech mechanism, (b) five
15 points if the pistol has a loaded chamber indi-
16 cator, (c) five points if the pistol has a cocked
17 position indicator, (d) five points if the pistol
18 has a grip safety, (e) five points if the pistol
19 has a magazine safety, (f) ten points if the
20 pistol has a firing pin block or lock;

21 “(vi) Other features: (a) one point if the
22 pistol has a contoured magazine extension, (b)
23 three points if the pistol has a slide hold-open
24 device; and

25 “(vii) Miscellaneous equipment: (a) three



1 points if the pistol has an external hammer,
2 (b) ten points if the pistol has a double action
3 firing mechanism, (c) five points if the pistol
4 has a drift adjustable sight, (e) ten points if
5 the pistol has a screw adjustable windage and
6 elevation sight, (f) five points if the pistol has
7 target grips, (g) three points if the pistol has a
8 target trigger;

9 “(2) in the case of a revolver, the handgun model;

10 “(A) has an overall frame (with conventional
11 grips) length of four and one-half inches (measured
12 from the end of the frame nearest the muzzle,
13 parallel to the line of the bore to the back of the
14 part of the weapon that is furthest to the rear of
15 the weapon) ;

16 “(B) has a barrel length (measured from the
17 muzzle to the cylinder face) of at least four inches;
18 and

19 “(C) has a safety device which, either (i) by
20 automatic operation in the case of a double action
21 firing mechanism or (ii) by manual operation in
22 the case of a single action firing mechanism, causes
23 the hammer to retract to a point where the firing
24 pin does not rest upon the primer of the cartridge,
25 and which, once activated, except for a used hand-



1 gun, is capable of withstanding the impact of a
2 weight, equal to the weight of the revolver, dropped
3 a total of five times from a height of thirty-six
4 inches above the rear of the hammer spur onto the
5 rear of the hammer spur with the revolver in a posi-
6 tion such that the line of the barrel is perpendicular
7 to the plane of the horizon; and

8 " (D) attains a total of at least sixty points un-
9 der the following criteria:

10 " (i) Barrel length (measured from the
11 muzzle to the cylinder face) : one-half point for
12 each one-half inch that the barrel is longer than
13 four inches;

14 " (ii) Frame construction: (a) twenty-five
15 points if investment cast steel or forged steel,
16 (b) thirty points if investment cast, high ten-
17 sile strength alloy or forged high tensile strength
18 alloy;

19 " (iii) Weight: one point for each ounce
20 with the revolver unloaded;

21 " (iv) Caliber: (a) zero points if the re-
22 volver accepts ammunition within the range
23 delimited by 4 millimeter and .25 caliber ACP
24 other than .22 caliber long rifle ammunition,
25 (b) three points if the revolver accepts .22



1 caliber long rifle ammunition or ammunition
2 within the range delimited by .30 caliber and
3 .38 caliber S&W, (c) four points if the revolver
4 accepts .38 caliber special ammunition, (d)
5 five points if the revolver accepts .357 magnum
6 ammunition or ammunition of an equivalent or
7 greater projectile size or power;

8 “(v) Safety features: three points if the
9 revolver has a grip safety;

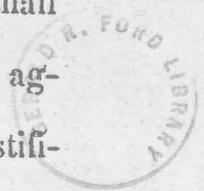
10 “(vi) Other features: (a) two points if
11 the revolver has a front supported or shrouded
12 ejector rod, (b) five points if the revolver has
13 a rifled portion of the barrel threaded to or
14 integral to the frame or strap component, (c)
15 two points if the revolver has a retracting firing
16 pin, (d) two points if the revolver has a steel
17 recoil plate, (e) five points if the double action
18 revolver has a crane mounted cylinder or rear
19 latch top break, (f) five points if the single
20 action revolver has a spring-loader ejector
21 assembly and a loading gate; and

22 “(vii) Miscellaneous equipment: (a) two
23 points if the revolver has a drift adjustable sight,
24 (b) five points if the revolver has a screw ad-
25 justable windage or elevation sight, (c) seven

1 points if the revolver has a screw adjustable
2 windage and elevation sight, (d) four points if
3 the revolver has target grips, (e) two points if
4 the revolver has a target trigger, (f) two points
5 if the revolver has a target hammer.

6 “(1) (1) The Secretary shall give written notification of
7 the results of evaluation and testing conducted pursuant to
8 subsection (k) of this section to the licensed manufacturer,
9 licensed importer, licensed dealer, or licensed collector sub-
10 mitting samples of a handgun model for such evaluation and
11 testing. If any handgun model fails to meet the standards for
12 approval, the Secretary’s notification shall state specifically
13 the reasons for such finding.

14 “(2) Any licensed manufacturer, licensed importer,
15 licensed dealer, or licensed collector submitting to the Secre-
16 tary for testing a handgun model which is subsequently found
17 not in compliance with relevant standards shall have ten days
18 from receipt of notification of noncompliance within which
19 to submit in writing specific objections to such findings and a
20 request for retesting such model, together with justification
21 therefor. Upon receipt of such a request the Secretary shall
22 promptly arrange for retesting and thereafter notify the ag-
23 grieved party of the results, if he determines sufficient justifi-
24 cation for retesting exists. Should he determine that retesting
25 is not warranted, the Secretary shall promptly notify the



1 aggrieved party as to such determination. In the event that
2 upon retesting the Secretary's finding remains adverse, or
3 that the Secretary finds retesting is not warranted, the ag-
4 grieved party may within sixty days after the date of the
5 Secretary's notice of such finding file a petition in the United
6 States district court in the district in which the aggrieved
7 party resides or has his principal place of business in order
8 to obtain judicial review of such finding. Such review shall
9 be in accordance with the provisions of section 706 of title 5,
10 United States Code.

11 “(3) The Secretary shall publish in the Federal Reg-
12 ister at least semiannually a list of handgun models which
13 have been tested and the results of those tests. Handgun
14 models:

15 “(A) not in manufacture on or after the effective
16 date of this subsection; and

17 “(B) which have not been tested or for which the
18 test results have not been published;

19 shall be deemed to be approved under section 923 (k) of
20 this chapter until such time as notice of their disapproval
21 has been published in the Federal Register. The list shall
22 also be included with the published ordinances required un-
23 der section 921 (a) (26) to be furnished to each licensee
24 under this chapter.”



1 SEC. 8. Section 924 of title 18, United States Code, is
2 amended:

3 (a) by adding after the words "violates any pro-
4 vision of this chapter" in the first sentence of subsec-
5 tion (a) the words ", other than subsection (j) of sec-
6 tion 922,";

7 (b) by adding the following at the end of subsec-
8 tion (a): "Whoever violates section 922 (j) of this
9 chapter shall be fined not more than \$1,000, or im-
10 prisoned not more than one year, or both."; and

11 (c) by amending subsection (c) to read as follows:

12 "(c) Whoever—

13 "(1) uses a firearm to commit any felony for which
14 he may be prosecuted in a court of the United States, or

15 "(2) carries a firearm during the commission of
16 any felony for which he may be prosecuted in a court
17 of the United States,

18 shall, in addition to the punishment provided for the com-
19 mission of such felony, be sentenced to a term of imprison-
20 ment of not less than one year nor more than ten years in
21 the case of the first offense, and to a term of imprisonment
22 of not less than two nor more than twenty-five years for a
23 second or subsequent offense. Notwithstanding any other pro-
24 vision of law, the court shall not suspend the sentence of such
25 person or give him a probationary sentence, nor shall the

1 term of imprisonment imposed under this subsection run
2 concurrently with any term of imprisonment imposed for the
3 commission of such felony.”.

4 SEC. 9. Section 925 of title 18, United States Code is
5 amended:

6 (a) by adding after the word “firearms” in sub-
7 section (a) (2) the words “, other than a handgun of a
8 model which has not been approved by the Secretary of
9 the Treasury pursuant to section 923 (k) of this
10 chapter,”;

11 (b) by adding after the words “may receive a fire-
12 arm” in subsection (a) (3) the words “, other than
13 a handgun of a model which has not been approved by
14 the Secretary of the Treasury pursuant to section 923
15 (k) of this chapter,”;

16 (c) by adding after the words “of any firearm” in
17 subsection (a) (4) the words “, other than a handgun
18 of a model which has not been approved by the Secre-
19 tary of the Treasury pursuant to section 923 (k) of this
20 chapter,”;

21 (d) by designating existing subsection “(c)” as
22 subsection “(c) (1)” and adding a new paragraph to
23 subsection (c) as follows:

24 “(2) Any person who, having been adjudicated
25 as mentally incompetent, or who, having been com-



1 mitted to a mental institution, subsequently has been
2 adjudicated by a court or other lawful authority to have
3 been restored to mental competency, if such court or
4 other lawful authority specifically finds that the person
5 is no longer suffering from a mental disorder and that the
6 possession of a firearm by the person would not pose a
7 danger to the person or to the person of another, shall
8 be relieved from the disabilities imposed by this chapter
9 with respect to the acquisition, receipt, transfer, ship-
10 ment, or possession of firearms incurred because of such
11 adjudication or commitment.”;

12 (c) by adding after the words “National Firearms
13 Act” in subsection (c) (1) the words “or of a State
14 or local law which relates to the importation, manufac-
15 ture, sale or transfer, of a firearm”; and

16 (f) by amending subsection (d) (3) to read as
17 follows:

18 “(3) is of a type that does not fall within the defi-
19 nition of a firearm as defined in section 5845(a) of
20 the Internal Revenue Code of 1954; is not a surplus
21 military firearm; is generally recognized as particularly
22 suitable for sporting purposes; and, if a handgun, the
23 model has been approved by the Secretary pursuant to
24 section 923 (k) of this chapter; or”.

1 SEC. 10. Section 926 of title 18, United States Code,
2 is amended:

3 (a) by deleting "and" at the end of paragraph (1);

4 (b) by deleting the period at the end of paragraph
5 (2) and inserting in lieu thereof "; and";

6 (c) by adding after paragraph (2) the following
7 new paragraph:

8 "(3) regulations precluding multiple sales or
9 transfers of handguns under section 922 (1) to persons
10 who do not demonstrate to the satisfaction of the
11 Secretary in a transaction involving a licensed manu-
12 facturer, licensed importer, licensed dealer, or licensed
13 collector, that such purchase or transfer is for lawful
14 purposes, as defined in the regulations, and regulations
15 concerning the notice required under section 922 (1)
16 (2)."

17 (d) by designating the existing section as subsec-
18 tion "(a)" and by adding a new subsection (b) as
19 follows:

20 "(b) Any officer or employee of the Bureau of Alcohol,
21 Tobacco, and Firearms who is designated by the Secretary
22 to carry out the provisions of this chapter is authorized to
23 administer such oaths or affirmations as may be necessary



1 for the enforcement of this chapter and any other provision
2 of law or regulation administered by the Bureau.”.

3 SEC. 11. Title VII of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (18 U.S.C. Appendix 1202-1203)
5 is hereby repealed.

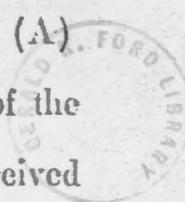
6 SEC. 12. Section 1715 of title 18, United States Code,
7 is amended:

8 (a) by adding after the words “Such articles” in
9 the second sentence the words “, other than handguns
10 whose transfer is restricted under section 922 (d), “;
11 and

12 (b) by adding after the second sentence the fol-
13 lowing new sentence: “The Postal Service shall pro-
14 mulgate regulations, subject to approval of the Secretary
15 of the Treasury, consistent with section 922 (d) of this
16 title, concerning conveyance in the mails of handguns
17 subject to that section for the United States or any
18 department or agency thereof, or to any State, depart-
19 ment, agency or political subdivision thereof.”.

20 SEC. 13. This Act shall become effective ninety days
21 after the date of enactment, except that:

22 (a) the amendments to section 922 (a) (2) (A)
23 shall not preclude the return within thirty days of the
24 effective date to the person from whom it was received
25 of a handgun of a model not approved by the Secretary



1 under section 923 (k) which was transferred to the
2 licensed importer, licensed manufacturer, licensed dealer,
3 or licensed collector before the effective date of the Act;

4 (b) section 5 (i) shall become effective on the
5 date of enactment;

6 (c) a valid license issued pursuant to section 923
7 of title 18, United States Code, shall be valid until it
8 expires according to its terms unless it is sooner sus-
9 pended, revoked or terminated pursuant to applicable
10 provisions of law; and

11 (d) the first publication of the list required under
12 section 923 (1) (3) shall be on or before the date of
13 expiration of the sixty-day period following the date
14 of enactment.



THE WHITE HOUSE
WASHINGTON

File

April 19, 1976

MEMORANDUM FOR: PHIL BUCHEN
DICK PARSONS

FROM: KEN LAZARUS *K*

SUBJECT: Gun Control

The NRA is reacting predictably to the action of the House Judiciary Committee on the subject of gun control. Attached for your information is a copy of their analysis of the legislation acted upon last week.

Attachment



TIMMONS AND COMPANY, INCORPORATED
1776 F STREET, N.W. WASHINGTON, D.C. 20006 (202) 331-1760

WILLIAM E. TIMMONS
President

TOM C. KOROLOGOS
*Vice President and
Director of Legislative Affairs*

STANLEY EBNER
*Vice President and
General Counsel*

MICHAEL L. REED
*Vice President and
Secretary*

April 16, 1976

Dear Ken:

As you know, the House Committee on Judiciary ordered reported this week a clean bill to the gun control measure, H. R. 11193. The vote was 20-12 with most Republicans voting against the bill. May I request that you "staff out" a Presidential position on this current bill? Enclosed is NRA's analysis of the substitute.

I can't believe the President would support the new bill, but he will be asked and a position must be quickly formulated. I would be grateful if you could share his decision with me.

With best personal regards,

Sincerely,



William E. Timmons

Hon. Kenneth A. Lazarus
Associate Counsel to the President
The White House
Washington, D. C. 20500

Enclosure

cc: Hon. Max L. Friedersdorf



74-13-707

ANALYSIS OF H. R. 11193*, AS APPROVED BY THE HOUSE JUDICIARY COMMITTEE,
APRIL 13, 1976.

SUMMARY

TITLED THE "FEDERAL FIREARMS ACT OF 1976", THE BILL CONSISTS OF AMENDMENTS TO THE GUN CONTROL ACT OF 1968 WHICH WOULD:

1. GIVE THE TREASURY DEPARTMENT'S BUREAU OF ALCOHOL, TOBACCO & FIREARMS (BATF) REGULATORY POWERS TO ELIMINATE UP TO 120,000 OF THE NATION'S 160,000 FEDERALLY LICENSED DEALERS.
2. PROHIBIT THE FUTURE MANUFACTURE, IMPORTATION OR ASSEMBLY OF SO-CALLED "CONCEALABLE" HANDGUNS, DEFINED TO INCLUDE MORE THAN 50% OF THE NEW HANDGUNS NOW BEING SOLD IN THE UNITED STATES, INCLUDING MANY EXPENSIVE HIGH-QUALITY PISTOLS AND REVOLVERS. THIS IS NOT A "SATURDAY NIGHT SPECIAL" BILL, AS HAS BEEN CLAIMED.
3. SET "MINIMUM REQUIREMENTS" FOR NEW HANDGUNS SIMILAR TO PRESENT TREASURY DEPARTMENT IMPORTATION CRITERIA FOR HANDGUNS "SUITABLE FOR SPORTING PURPOSES", THUS DENYING SELF-DEFENSE AS A LEGITIMATE REASON FOR HANDGUN PURCHASE.
4. MAKE IT A FEDERAL CRIME FOR A CITIZEN TO PURCHASE MORE THAN ONE HANDGUN IN ANY 30-DAY PERIOD.
5. DISCOURAGE COMMON CARRIERS FROM TRANSPORTING FIREARMS AND AMMUNITION.
6. CREATE NEW FEDERAL CRIMES INVOLVING THE SALE OF HANDGUNS AND THE TRANSFER OF ANY FIREARM OR AMMUNITION BETWEEN INDIVIDUALS.
7. REQUIRE DEALERS TO NOTIFY LOCAL LAW ENFORCEMENT AUTHORITIES OF EVERY HANDGUN SALE TO AN INDIVIDUAL AND DELAY DELIVERY UP TO 28 DAYS TO ALLOW FOR POLICE AND FBI CLEARANCE.
8. BEGIN A SYSTEM OF CENTRALIZED NATIONAL REGISTRATION OF ALL PERSONS PURCHASING HANDGUNS FROM DEALERS.
9. SET A LEGAL PRECEDENT FOR EXTENDING FEDERAL JURISDICTION OVER SIMPLE POSSESSION OF FIREARMS AND AMMUNITION BY CITIZENS, HITHERTO REGARDED AS A MATTER FOR STATE AND LOCAL GOVERNMENT.

* H. R. 11193 WILL BE RE-INTRODUCED WITH A NEW NUMBER, AS YET UNDETERMINED, WHEN THE HOUSE OF REPRESENTATIVES RETURNS FROM EASTER RECESS.

DEALERS

1. The Treasury Department's Bureau of Alcohol, Tobacco & Firearms (BATF) has publicly declared its desire to use new legislation, if enacted, to put three out of four firearms dealers out of business on the ground that it has "too many to manage."
2. Under H. R. 11193, BATF would be given new regulatory and discretionary powers to disapprove annual license renewals. Prime targets for elimination would be small dealers unable to absorb the sharply higher annual license fees or cope with new red tape burdens.
3. The present \$10 annual license fee for dealers would be raised to \$50/\$125. Dealers would be divided into restrictive "wholesale" and "retail" categories, but "retail" dealers who have occasion to transfer firearms or ammunition to other dealers would be obliged to have both licenses, totalling \$175 annually. (These fees, of course, do not include state and local license fees already being imposed.)
4. License fees for gunsmiths would remain at \$10, but the license would authorize only the repair of firearms, or making or fitting parts. Gunsmiths could not sell complete firearms without a dealer's license. Annual fees for gunsmiths who build custom guns, and who must have manufacturers' licenses, would be ten times higher, from \$50 to \$500.00.
5. After years of abusing its authority by harassing dealers for alleged zoning violations, BATF finally would receive, under H. R. 11193, the power to deny licenses or license renewals to any dealer who cannot certify --under penalty of perjury-- that he is in compliance with all state and local laws, ordinances, and regulations applicable to his business. This would include not only zoning, but health, building, fire, and similar codes, --even "blue laws". Such regulations often are loosely interpreted and indifferently enforced in many localities, and since these matters clearly are not a federal concern, this provision amounts to a BATF device for eliminating dealers.
6. Under H. R. 11193, licenses would be issued or renewed only if dealers have installed on their premises "security devices or personnel, or both" which BATF finds are "adequate" for those particular premises. Simply stipulating prohibitively expensive security systems --or even requiring guards-- would drive many small dealers out of business.
7. The bill would require dealers to store "firearms, firearms parts, and ammunition" in accordance with "reasonable" regulations prescribed by the Secretary. Court interpretations of "reasonability" make it likely that most such regulations would be upheld unless demonstrated to be clearly arbitrary and capricious.



HANDGUNS

1. H. R. 11193 is not a "Saturday Night Special" bill, as has been claimed. It would outlaw the future manufacture or importation of so-called "concealable" handguns, defined to include more than 50% of all handguns now produced in the United States. The pistols and revolvers to be banned include dozens of expensive, high-quality models commonly purchased by law-abiding citizens for sporting and defensive purposes.
2. Prohibited handguns are defined as those which fail to meet certain size and technical criteria, generally similar to current BATF "factoring" criteria for imported handguns "particularly suitable for sporting purposes", except that revolver barrels must be at least 4 inches long (up from 3 inches).
3. Pistols must be at least six inches long and four inches high, and achieve a score of 75 "points" on technical features; revolvers must have a frame length of at least 4½ inches (not diagonal, but including "conventional" grips) and achieve a score of 45 "points".
4. In addition, the criteria include a "hammer-drop" test that would disqualify such single-action revolvers as the Colt .45 Peacemaker, and metallurgical requirements that would eliminate most handguns manufactured by old-line firms such as Harrington & Richardson and Iver Johnson.
5. The bill generally pertains only to handguns manufactured or imported after the effective date of the bill. However, the bill makes it unlawful for any individual to "assemble, or by any other means produce" a "concealable" handgun. Thus, modifications commonly performed by many handgun owners (for example, on grips or sights) could adversely affect "point" score, turning an existing handgun into a "concealable" handgun. Considering the highly technical assignment of "points" under the factoring system, endless possibilities exist for innocent and harmless violations which would be federal felonies.

COMMENT:

H. R. 11193 would establish as legislative policy the notion that some handguns are "bad", regardless who owns them, and the use to which they are put. Such an idea cannot be reconciled with the statements of sponsors who claim the proposal is aimed at criminals, not at law-abiding citizens. If a handgun purchaser is a law-abiding citizen, the particular model of handgun he desires to buy should not be of concern.



In view of the substantial number of handguns sold annually, it should be obvious that the vast preponderance of those handguns which would be banned are now being purchased not by criminals, but by the law-abiding.

The BATF import criteria adopted by H. R. 11193 were originally formulated as criteria to gauge a handgun's "suitability for sporting purposes". To extend such a standard to a ban on domestic production is to repudiate another equally legitimate --and even more important-- purpose of handgun ownership: self-defense.

NEW CRIMINAL OFFENSES

1. H. R. 11193 would make it a crime for any private individual to buy or otherwise receive more than one handgun in any 30-day period without prior approval of BATF. It also would be a crime for any private individual to sell or otherwise transfer more than one handgun to anyone except a dealer in any 30-day period without prior BATF approval. Such "crimes" seem unrealistic as anti-crime measures, and far more likely to trap ordinary citizens unaware of their technicalities.
2. The bill would make it a crime for anyone to sell (or even give away) a firearm or ammunition unless the seller "knows or has reasonable cause to believe" that the buyer "is not prohibited from possessing, shipping, transporting or receiving firearms" under federal law. Note this is stated negatively, requiring the ordinary citizen who, for example, gives a box of cartridges to a friend, to affirmatively establish in some fashion --presumably to be stipulated by BATF regulations-- that the recipient is not ineligible.

Anyone who failed to comply with such regulations could be prosecuted for a felony, regardless whether the recipient is in fact eligible to receive the firearm or ammunition.

3. The bill would make it a federal crime for a dealer to sell any firearm to a person residing in another city or locality unless the dealer complies with license, permit, registration, or waiting period requirements, if any, in that other locality.

Since the Gun Control Act of 1968 already generally forbids an individual from purchasing a firearm outside his state of residence, H. R. 11193 would turn the federal government into an intrastate enforcer of purely local ordinances. This seems an unjustified federal intrusion into state responsibilities, and would impose on dealers an unwarranted burden of keeping up-to-date with frequently-changing local ordinances outside their own communities.

4. H. R. 11193 would make it a federal crime for a private individual to sell or otherwise transfer a handgun if he knows the recipient's purchase or possession would be a violation of any state or local, as well as federal, law. This provision, like the one preceding, authorizes federal intrusion in matters more properly of state concern.
5. The bill would make it a crime for any person knowingly to import any handgun parts "intended for use in the manufacture or assembly of 'concealable' handguns", or to receive any such part unlawfully imported.

POLICE CLEARANCE OF HANDGUN PURCHASERS

1. H. R. 11193 would forbid a dealer to sell a handgun to any individual unless federal application forms have been submitted to the chief law enforcement officer in the buyer's home jurisdiction or where the handgun will be kept. Supposedly, this would be for the purpose of "permitting" such officer to conduct a state and local clearance check, and to request an FBI record and identity check.
2. The dealer would be forbidden to deliver the handgun for 14 days even if police report earlier that the buyer is not prohibited from receiving or possessing the handgun under federal, state, or local law. If no response is received from police, the dealer must wait 28 days before delivery. However, in view of an additional requirement that the dealer must retain the police response as part of his permanent records, many dealers may be reluctant to deliver a handgun unless and until police have affirmatively responded.

NATIONAL REGISTRATION

H. R. 11193 authorizes an FBI check every time a handgun is purchased from a dealer. In addition, the only practical way to enforce the one-handgun-a-month restriction contained in the bill is to enter each purchase application on a central computer. Taken together, these two provisions virtually assure the establishment of centralized federal registration of all future handgun purchasers.

COMMON CARRIERS

1. The bill would give BATF open-ended authority to promulgate, "after consultation" with the Secretary of Transportation, any "reasonable" regulation "to ensure the safe and secure transportation of firearms and ammunition."
2. It would be a federal felony for common carriers knowingly to transport any firearm and ammunition in violation of any federal regulation.

COMMENT:

Since the Hazardous Materials Transportation Act already empowers the Secretary of Transportation to regulate common carriers in this respect, these provisions are of doubtful value. Their principal effect will be to compound the bureaucracy and multiply red tape, thereby discouraging common carriers from carrying firearms and ammunition. Small trucking firms particularly would feel the cost of additional paperwork and regulations, and it would become increasingly difficult for firearms dealers located in isolated areas, or having a smaller business volume, to obtain shipping service.

MANDATORY PENALTIES

H. R. 11193 would impose additional mandatory penalties of 1-10 years for the first offense, and 2-25 years for subsequent offenses, on any person who carries, displays, or uses a firearm during the commission of a federal crime of violence.

Such sentences are in addition to the penalty imposed for the commission of the felony itself, and may not be suspended or made to run concurrently with the felony sentence.

These mandatory sentences, however, would not apply to most violent crimes committed in Washington, D. C., perhaps the most obvious area of federal jurisdiction.

CONSTITUTIONAL QUESTION

H. R. 11193 would set a dangerous legal precedent by asserting federal jurisdiction over the mere possession of firearms by citizens, without the necessity of demonstrating in each case a connection with interstate commerce or federal taxation. The establishment of such jurisdiction would be a prerequisite to any federal gun confiscation law in the future.

The Congressional "findings" which preface H. R. 11193 state that "handgun acquisition, possession and use, even where purely intrastate in character, directly affects and burdens interstate commerce." Such an assertion is little more than a legal fiction designed to rationalize the extension of federal power into an area traditionally reserved to the states. It is doubtful that the "possession and use" of firearms by law-abiding citizens constitutes any burden at all on interstate commerce, and such a debatable claim cannot justifiably be elevated to the status of a "fact".

The jurisdiction derived from this finding would be utilized in H. R. 11193 to overcome the 1971 U. S. Supreme Court decision in Bass v. United States, in which the court refused, absent a clear claim of authority from

CONSTITUTIONAL QUESTION (Cont'd)

Congress, to allow federal prosecution for illegal possession of a gun within the borders of a single state, without proof that such possession affects interstate commerce. To do otherwise, the Court held, would "dramatically intrude upon traditional state criminal jurisdiction", although the Court left open the question whether such federal authority, if claimed, would be beyond the constitutional reach of Congress.

To date, Congress has not asserted jurisdiction over simple possession of firearms. However, H. R. 11193 now would forbid felons and other disqualified persons from possessing guns by establishing a legal principle that someday could be used to ban firearms ownership by law-abiding citizens.

PREPARED BY:
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4-15-76

