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Congressional Record S. 1540 - Gun Control Legislation - Additional Co-Sponsors of Bill

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which, in effect, amounts to registration.

If there is to be registration, let it be in the open and on the table, and let everyone be aware of it. Congress, in my opinion, opposed registration under the Gun Control Act of 1968, and this regulation, in my judgment, would go far beyond what Congress intended.

This is back-door registration and should be corrected. In my judgment, it is necessary to correct an unnecessary burden and a deceptive form of registration and to bring the regulations in line with the intent of Congress at the time the bill was passed.

I ask unanimous consent that I be registered as a cosponsor of Senator BENNETT's bill, S. 845.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that my name also be added as a cosponsor.

The VICE PRESIDENT. Without objection, it is so ordered.

GUN CONTROL LEGISLATION—ADDITIONAL COSPONSORS OF BILL

Mr. MANSFIELD. Mr. President, on February 4, the distinguished senior from Utah (Mr. BENNETT) introduced S. 845. It seems to me to indicate that registration by another name is being required by a regulation of the Internal Revenue Service. This regulation covers ammunition for pistols, rifles, shotguns and some components, including primers, propellant powders, cartridge cases, and bullets.

Under sections 992(b)(5) and 923(g) the dealer is required to record the name, age, and address of the buyer of firearms or ammunition, while section 923(g) authorizes the Secretary of the Treasury to issue regulations relative to record keeping by dealers. The regulations issued by the Secretary of the Treasury call for far more than sections 922 and 923 require and, in my judgement, go considerably beyond the intent of Congress in passing the Gun Control Act of 1968.

For example, the regulations issued by the Secretary of the Treasury call for the following: Date; manufacturer; caliber, gage, or type of component; quantity; name; address; date of birth; and mode of identification, driver's license, and so forth.

It seems to me that this goes far beyond "the name, age, and address" of the law and covers a good deal more territory

foreign commerce any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector. . . ."

So these provisions of the law make it clear that firearms and ammunition cannot be shipped to a nonlicensed person in another State. What is equally clear is that no provision of the law bans these transactions that take place wholly within the same State. Nor did Congress intend that a licensed dealer not be permitted to ship a firearm or ammunition to any individual residing in his State; and that individual, so long as he is competent, need not be licensed in any manner under the terms of the 1968 law.

To further clarify this matter may I refer to pertinent parts of the regulations issued by the Secretary of the Treasury to implement the gun law enacted last year.

First, I should point out that, so far as I know, no procedure is required for the shipment of ammunition within the dealer's State. As for the shipment of firearms within the same State, the nonlicensed individual need only follow the procedure set forth in section 178.96(B) of the regulations issued by the Secretary of the Treasury.

Briefly, they provide that the individual seeking to purchase the firearms furnish to the dealer a firearms transaction record which includes his own vital statistics plus the name of the principal law enforcement officer in his locale. That is all that is required under the 1968 law. After his competence is established, the firearm may be shipped to him. Incidentally, it may be shipped—so far as I know—using any form of common or contract carrier and, with few exceptions, even through the U.S. post office. So, following this procedure, a sportsman living in Broadus or Ekalaka, Mont., may easily acquire his ammunition or firearms from a dealer in Billings, and he need never drive there to make his purchases.

In bringing this matter to the attention of the Senate, I would hope to dispel all doubts concerning the legality of firearms and ammunition transactions under the Gun Control Act of 1968 that take place between duly licensed dealers and gun owners who reside within the same State. It seems clear to me that by enacting the law, Congress sought to stem the inordinate flow of guns into the hands of criminals and other incompetents. At the same time, Congress did not seek to unduly burden the sportsmen and other law-abiding gun users. I would hope that in explaining the effect and intent of the law, officials and other interested parties will be careful to point out to the law-abiding gun user the manner in which he may continue to pursue the sport and obtain firearms and ammunition while remaining fully within the terms of the law. Only in that way can the law be fully effective. Only in that way can we achieve its worthwhile objectives.

S1716

INTRASTATE SALE OF AMMUNITION
AND GUNS UNDER THE GUN CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, in my correspondence concerning the Gun Control Act of 1968 questions have arisen about the legality of a licensed dealer shipping ammunition or, for that matter, firearms to a gunowner who resides within his State. As I read the law passed last fall, the only shipments that are banned are those that would go to nonlicensed persons beyond the State. Certain provisions of the law and the regulations issued pursuant thereto are applicable.

First, the "Definitions" section of the law states in part:

Interstate or foreign commerce includes commerce between any place in a State and any place outside of that State . . . but such term does not include commerce between places within the same State. . . .

The "Unlawful Acts" section states in part:

It shall be unlawful . . . for any . . . dealer . . . to ship or transport in interstate or