10-9-1969

Congressional Record S. 12283 - Modification of Record Keeping Requirements on Ammunition Records

Mike Mansfield 1903-2001
Mr. MANSFIELD. Mr. President, I have listened with interest to the speech just made by the distinguished Senator from Utah (Mr. BENNETT). I think that he has stated the case candidly, frankly, and honestly. Perhaps it should be made clear that it was in the interest of positive action with the least possible obstruction, and with consideration for the vitally needed interest equalization tax measure, that .22-caliber rimfire ammunition was removed by Senator BENNETT from the amendment as it was reported from the committee.

In its present form, Mr. President, the gun-law amendment added to this measure will remove what the vast majority of my constituents and I consider an unnecessary burden on the law-abiding gunowner—on the hunters and sportsmen, on those whose use of a weapon is accompanied largely by proper training and a great measure of responsibility.

I wish at this time to offer my sincere commendation to the distinguished Senator from Utah (Mr. BENNETT). May I say that he responded with quick dispatch to correct what is considered a
Raw abuse of authority by agency in administering the Gun Control Act of 1968. On February 4 of this year, the Senate passed S. 845, contrary to the intentions of Congress, registration of ammunition was compelled by regulation under the 1968 gun law. In my judgment, the act of the Congress expressed on its face what it was now compulsion, and the intent of it is precisely what the Congress expressly voted down on its merits. I joined as a cosponsor of S. 845 and, on February 17, expressed the concern that I had for such action by an agency that had no such authority.

For the most part, I agree with gun legislation; I agree especially in its stated objective: to assist Federal, State, and local law-enforcement agencies in their fight against crime and violence. At the same time, I do object when a Federal agency—mistakenly or misconstrues the law in the name of enforcement. That is why I joined as a cosponsor of S. 845 in the first place. In doing so, I sought to express that I felt that, in my opinion, fail squarely beyond any 2 authority granted by Congress under the law. As I said, Congress voted down registration of the registration, in my opinion, is precisely what the Treasury regulations call for.

Getting down to specifics, under section 922(b)(5) of the law, the gun dealer is required to record the name, age, and address of the buyer of ammunition. That is all that is required. Nothing more. Yet the regulations issued by the Secretary of the Treasury in March 1969 go considerably beyond the Gun Control Act and, for that matter, the specific intent of Congress. They call for the following: First, date; second, manufacturer; third, caliber, gage, or type of component; fourth, quantity; fifth, name; sixth, address; seventh, date of birth; eighth, mode of identification, driver's license, and so forth.

It hardly needs saying that these requirements set forth on an extensive form go well beyond the "name, age, and address" of the law and cover a good deal more generally.

What is also clear is that insofar as these regulations affect ammunition and components used in rifles and shotguns, the burden of registration has already been counterproductive. Hunters and sportsmen have been compelled to wait inordinately long periods of time at great inconvenience. In turn, the agency involved in charging that I processed an overabundance of paperwork—which is in the vicinity of something like 300,000 pieces of paperwork every day of the year. Moreover, the regulations to a task that no one can say for sure has been of any assistance whatsoever in the fight against crime and violence. By adopting this amendment to the gun law, we will provide for its more efficient administration.

By adopting this amendment the hunter and sportsman will be relieved of an onerous burden. By adopting this amendment, the gun law of 1968, its implementation and administration, will be vastly improved.

Senator Stewart is to be commended for his foresight and legislative skill, and especially for his diligence in attempting to correct a feature of the gun law that I think needs correcting.

Mr. President, unanimously consent that certain past statements of mine on this and other features of gun legislation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

"(From the Congressional Record, Feb. 4, 1969)"

S. 849—Introduction of Bill—Guns and Criminals

Mr. Mansfield. Mr. President, like so many others, I am alarmed with the increasing use of firearms by criminals in our society: I am appalled by the criminal's quick resort to a weapon which turns his insidious acts into hideous ones. In this respect, the Congress saw fit last fall to make it more difficult for the lawless and the alcoholic to buy weapons. In my belief that in that implementation this law—the Gun Control Act of 1968—will serve more than to cut down on the inordinate flow of firearms into the hands of the criminal and the incompetent, or the alcoholic. For the present, however, the ease with which any element of our society has been able to obtain weapons excludes the dramatic effects this legislation can expect to bring in the future.

But there remains another approach to curtailing gun crime. One approach says to the criminal in terms that are clear and simple that the use of a gun will be met with punishment that fits such an act of violence. This approach is contained in an amendment to the Gun Control Act of 1968 which would provide a mandatory additional prison sentence for criminals who choose to resort to firearms.

For a first offender the penalty would be 1 to 10 years in prison. For a subsequent offense—25 years. This proposal varies from the present in that a previous conviction or convictions in a court of competent jurisdiction would not be necessary for the conviction of a person under the provisions of this proposal, a subsequent offender would be compelled to serve 25 years to his choosing to use a firearm. It seems to me that no leeway or discretion is needed in the case of a criminal gun user who employs this weapon of violence a second time.

I agree that in providing mandatory sentences on the congressional level, questions will be raised. But just as in the ease of gun accessibility by the lawless reached national proportions justifying congressional action with the 1966 gun law, so does the penalty for the criminal use of guns warrant equally close attention and careful consideration by the Congress. The use of these guns have become a national disgrace.

It is in this light that I offer this proposal to inflict a sentence against perpetrators of violent gun crimes. It will serve, I hope, as a focal point. For it is quite clear that it is not the first instance, is it? The Congress votes to register to a gun. If he finds the penalty so severe as to deter use, only then can society be protected from the violence it produces.

AMENDMENT OF GUN CONTROL ACT OF 1968

Mr. President, I introduce, for appropriate consideration, as an amendment to the Gun Control Act of 1968 and ask unanimous consent that its text be printed in the Record.

New Panama. The bill will be received and appropriately referred; and, with no objection, the bill will be printed in the Record.

The bill (S. 849) to strengthen the penalty provisions of the Gun Control Act of 1968, and the bill referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (c) of section 924 of title 18, United States Code, is amended to read as follows:

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States."

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States."

Section 922(b)(5) of title 18, United States Code, is amended to read as follows:

"Whoever—"

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment of not less than one year nor more than 10 years."

In the case of his second or subsequent conviction under this section, the person shall be sentenced to a term of imprisonment for not less than 25 years and, notwithstanding any other provision of this section, the court shall not suspend the sentence of such person or give him a probationary sentence nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."
I ask unanimous consent that I be registered as a co-sponsor of Senator Bennett’s bill, S. 845.

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Mr. BYRD of West Virginia. Mr. President, I rise to endeavor to understand better the sentiments of Senator Mansfield. Mr. Mansfield, I yield.

Mr. BYRD of West Virginia. Mr. President, if I might add the point that my name also be added as a co-sponsor.

The Vice President. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, yesterday, when I opened the debate on H.R. 12829, I indicated I would include in the Record a summary of the minor and technical changes made in the interest equalization tax bill. Inadvertently, this summary was not included in the Record. Therefore, I ask unanimous consent that the summary be included in today’s Record at this point.

Without objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF OTHER INTEREST EQUALIZATION TAX AMENDMENTS

In addition to the two major provisions, the House bill contained a series of minor modifications of the existing provisions of the interest equalization tax. These modifications were accepted by the committee with a few technical amendments. In addition, the committee submitted amendments regarding the treatment of certain lease obligations for purposes of the tax.

The minor modifications made by the House bill are as follows:

(1) The present law on the tax applies where an American transfers money to a foreign trust which then acquires otherwise taxable foreign stock or debt obligations. The bill modifies this rule to provide that upon a transfer of funds to a foreign trust, the trust must make a taxable acquisition of foreign stock or debt obligations unless, and to the extent, the transferor proves to the satisfaction of the Secretary of the Treasury that such an acquisition has not occurred.

(2) An exclusion is presently provided for loans to the U.S. by a foreigner for the purpose of constructing a foreign mineral facility, where a substantial portion (35 percent) of the minerals or ores processed in the facility are extracted outside the United States by the U.S. person or by an affiliated company. The bill modifies this rule to provide that the exclusion will be applicable where the U.S. person’s loan covers only part of the cost of constructing the facility, if more than 50 percent of the minerals processed in the proportionate part of the facility are extracted by him or an affiliated company.

(3) Under present law, an exclusion is provided for acquisitions of debt obligations arising in specified export credit transactions. The exclusion is lost, however, if the debt to be acquired is held by the lender other than to specified persons or in specified ways. The bill adds an affiliated company to the list of persons to whom the exclusion applies.

(4) U.S. dealers in foreign stock or debt obligations presently may acquire these securities for the purpose of payment of tax (through a credit or refund). If the foreigner is an individual, the foreign persons within a prescribed time. A similar rule applies in the case of U.S. underwriters who deal in foreign persons. The
The bill provides that certain foreign branches (engaged in the commercial banking business) of U.S. corporations which, in effect, are treated to a limited extent as foreign persons for purposes of the tax (they may acquire foreign stock or debt obligations free of the tax up to a specified amount) also are to be treated to the same extent as foreign persons for purposes of the dealer and underwriter resale exclusions.

(5) Present law provides that a domestic company engaged in the business of financing sales of products manufactured by affiliated companies in the United States or abroad may elect to be exempt from the tax on the foreign debt obligations it acquires as the result of its financing activities. The bill modifies or eliminates certain restrictions in this provision which have made it unworkable, but retains the basic framework of the provision including the concept that the financing company must obtain the funds it uses in its business from foreign sources.

(6) Under present law, a transaction tax return must be filed prior to the sale of foreign stock or debt obligation which was subject to tax when acquired, if the sale occurs prior to the time for filing the regular quarterly interest equalization tax return. The bill clarifies the application of this requirement to U.S. dealers or underwriters by providing that they need not file a transaction tax return with respect to sales of foreign securities under the dealer or underwriter resale exemptions.

(7) The bill conforms the reporting and recordkeeping requirements for "nonparticipating firms" to the procedures established by the Interest Equalization Tax Extension Act of 1967 in connection with the exemption for prior American ownership and compliance. This amendment generally conforms the requirements imposed on these firms to those imposed on "participating firms" as far as specified types of sales or acquisitions of foreign stock or debt obligations are concerned, and confirms that nonparticipating firms must continue to file quarterly information returns.

(8) The bill prescribes a $1,000 penalty for each failure to file (or inadequate filing) by a nonparticipating firm pursuant to the requirements imposed under the conforming amendment discussed above.

The committee adopted two minor amendments to the financing company provision (No. 5 above) to further implement the purpose of the changes made by the bill: namely, to increase the workability of this provision. One amendment provides that a financing company may loan out amounts represented by accrued foreign taxes which are payable within 3 years, rather than one year as under the House bill. The other amendment provides that a financing company may own debt obligations acquired in the course of carrying on its financing business (such as loans to employees) in addition to the other types of debt obligations the company is allowed to own under the House bill.

The committee also added technical amendments to the bill regarding the treatment of a lease obligation as a debt obligation for interest equalization tax purposes where the lease is entered into principally as a financing transaction. These amendments also provide that export leases are to be treated in a manner similar to export sales under the existing export credit exemption and under the financing company provision.