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INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969—CONFERENCE REPORT

Mr. BENNETT. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of November 18, 1968, p. H11034, CONGRESSIONAL RECORD.)

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BENNETT. Mr. President, on November 18, the House and Senate conferees met to resolve differences between the Senate and House versions of the interest equalization tax bill, H.R. 12829. This bill basically extends the interest equalization tax through March 31, 1971.

The House accepted all the Senate amendments to this bill, with a single change—a clarifying amendment to the effective date, reflecting the fact that there was an interval after September 30, 1969, during which the interest equalization tax technically had expired. The modification of the effective date clarifies that the tax does apply in this interval.

The Senate amendments dealing with the interest equalization tax itself were mainly of a technical nature and were approved unanimously by the Senate and accepted by the House without debate.

The only substantive amendment dealt with the repeal of certain ammunition registration requirements. Under the amendment, which the House conferees accepted, registration requirements for "shotgun ammunition, ammunition suitable for use only for rifles generally available in commerce, or component parts for the aforesaid types of ammunition" would be repealed. Senators will recall that the original committee amendment was modified by the Senate so that purchases of ammunition, such as .22 caliber rimfire ammunition, which might be used interchangeably between rifles and pistols, would remain subject to the registration requirements. This modification is retained by the conference agreement.

Thus, the House accepted all the amendments which were in the Senate bill. All the conferees signed the report.

I move that the conference report be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. SCOTT. Mr. President, I am very pleased that the other body has accepted the provisions proposed by the distinguished Senator from Utah, of which I have the privilege to be a cosponsor, with regard to the repeal of the ammunition amendment in a prior bill.

I suppose it is always difficult, especially in public, to admit that one has made a mistake; but, in my view, I made a mistake in supporting that particular provision of the original bill. Something has been made, I think quite rightly, of the fact that I have changed my mind. I do not regret that. I think perhaps it may be a little healthy for all of us to be free to change our minds. In this regard, it became apparent, after the act was passed, that its enforcement was rendered objectionable, that it operated purely to harass those people who could not be assumed in any way to be engaged in anything except a peaceful endeavor, the sportsmen of our country, who found that when they sought to purchase ammunition, they had to fill out some seven or nine rather searching questions.

It did not serve to reduce the activity of the criminal element. It did not serve to deny them the ability to secure shotgun ammunition, for example; and some exceptions have been made in the repeal of the amendment. But what it did do was to compel the Government agencies involved to indulge in a great amount of paperwork, which was promptly filed in forgotten cabinets; and, as a result, nothing effective was accomplished by it.

Therefore, having made a mistake, I am glad to have this opportunity to rectify it. I was glad to join as a cosponsor with the Senator from Utah.

I am still trying for a batting average which will give me more correct decisions than otherwise, but this was a wrong one, and I am glad to make this public statement and to support the conference report.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MANSFIELD. Mr. President, may I say that I am delighted that this conference report is before the Senate. I believe it will be agreed to overwhelmingly.

As for the ammunition provision, I would point out that in the gun legislation of 1968, all that was called for was name, age, and address; that is all. The Internal Revenue Service, which is charged with the responsibility for enforcing that law, added a number of other specifications by regulation bringing to approximately 10, the items of information required to be obtained in an ammunition sales transaction.

I had a great deal of correspondence from sportsmen in Montana concerning this provision. I took the matter up with the Internal Revenue Service, only to find that it was very rigid in its outlook. In my opinion, its position was directly against the intent of Congress. What was being accomplished was, in effect, a form of backdoor registration, without legislative authority.

I think that when laws are passed, regardless of our particular view on the laws, the intent of Congress and the

words as they are spelled out and defined, should furnish the sole basis on which the laws should be enforced.

I was very happy to be a cosponsor, with the distinguished Senator from Utah—the chief sponsor of this measure—when this matter was introduced, when it came before his committee and when it came before the Senate for consideration a few weeks ago.

I think this should be a good lesson for the Internal Revenue Service, and for that matter, for any executive agency. It must be understood that when Congress states its intent clearly and plainly and without equivocation, no department of Government, including the Internal Revenue Service has the right or authority to go beyond that. I urge that the Senate agree to this conference report.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. HRUSKA. Mr. President, I wish to say that the Senator from Nebraska is very gratified at the acceptance of this amendment in conference and that it will become law.

The explanations given by the Senator from Pennsylvania and the Senator from Montana are sound and accurate. There is nothing in the statute as passed in 1968 that this Senator can find which would warrant the lengths to which enforcement authorities did go. The regulations meant harassment and required the building up of huge supplies of paper that mean nothing in the law-enforcement picture. Unfortunately that viewpoint was difficult to get across to the agency and this was the recourse had.

Somehow in editorials and elsewhere there appears the thought that those who favor improving our criminal laws and procedures in this country are inconsistent if they also support this amendment and this conference report because it would allow ammunition to be sold to anyone, crooks, hoodlums, sportsmen, hunters, and law-abiding people and so forth.

Normally the editorials are full of emotional appeals. They point out that daily we see holdups, and daily shotguns and revolvers are being used to violate the law.

But since the use of those guns and the ammunition have occurred under a system where there is now a requirement for registration of ammunition, and the people who make such an argument are simply disproving their own case. They substantiate the fact testified to by law-enforcement officers; namely, that registration of ammunition has no effect on the misuse of ammunition.

A law of this kind had been on the books for 30 years and any effort to try to enforce it was abandoned. The testimony before our subcommittee of the Committee on the Judiciary this year was to the same effect. It has no beneficial impact at all.

There are no identifying marks on the ammunition. The collection of paper is a futile exercise and it was recommended that this amendment be adopted.

I congratulate the Senator from Utah for conducting these negotiations in such a way that this step, although belated is now being taken.

