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THE WHITE HOUSE
WASHINGTON

January 25, 1984

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FOR: EDWIN MEESE III
JOHN A. SVAHN

FROM: MICHAEL MUEHLHANN

SUBJECT: Latest News from the Gun Front

Firearms legislation

Tom Korologos called a few minutes ago to report on a conversation he had last night with Jim McClure. McClure, he says, is testy and self-righteous on the issue and would rather kill legislation than to see a bill pass for which someone other than McClure gets the credit. Tom believes that McClure has locked himself into a permanent embrace with Neal Knox and that, indeed, the more extreme he is on this issue, the easier it will be to raise funds and his vote tally in Idaho this fall.

The Senator will claim that he had a "deal" with the Administration and the NRA on modifying language back in '81 and '82. In truth, there was no "deal", as everyone other than Knox and McClure will attest. You will recall that some progress had been made in various negotiating sessions, but that negotiations were suspended (a) because Treasury and Justice were starting to get nervous about possible adverse effects upon law enforcement and (b) because you decided to link the idea of further concessions on our part to concessions on their part regarding BATF reorganization.

Tom believes that it is vitally important to the President's interests as well as to those of the incumbent leadership of the NRA that the Administration remain firm in its support of its proposed modifications. Any softening on our part at this point will play into Knox's hands, and undermine all the good work we have done with NRA.

THE WHITE HOUSE

WASHINGTON

January 24, 1984

FOR: EDWIN MEESE III
JOHN A. SVAHN

FROM: MICHAEL M. UHLMANN

SUBJECT: Meeting with Senators McClure, Thurmond, and Hatch on
Firearms Legislation

The principal purpose of the meeting is to convince McClure to support the Administration's proposed amendments to S.914, the "Firearms Owners' Protection Act" (otherwise known as the McClure-Volkmer bill.

You will recall that we tried unsuccessfully to get a meeting set up toward the end of the Congressional session. Since then, things have gone from bad to worse, as indicated in my memo of January 12th. The situation, in a nutshell, is that all other sponsors of S. 914 (which include Thurmond, Hatch, Laxalt, Grassley, etc.) are on board with our amendments -- except McClure.

It is widely believed by the folks at Treasury, NRA, and Justice that McClure is being wound up by his staff, who in turn are working hand-in-glove with institutional competitors of the NRA. The staffers are, respectively, (a) the wife of a former NRA official who was sacked within the past year or so by the new leadership at NRA, and (b) a disgruntled, long-time Senate staffer who has been shot down for numerous Executive branch positions and bears a grudge against the Administration. These two have joined forces with Neal Knox who, as you know, was himself a casualty of the leadership-takeover at NRA and is bound and determined to show that he (rather than the NRA) is the key to protecting the legitimate rights of gunowners.

To anyone not familiar with the ins and outs of the meta-physical disputes which dominate discourse among the gun owning croud, the dispute between McClure and more or less everybody else would appear to be much ado about nothing. But to those whose livelihood consists in playing Paul Revere to the gunowners, even the smallest change in law can be made to appear like the work of the devil himself.

So it is with our proposed amendments to S. 914. Measured by any objective standard, they do not depart from the general

principles embodied in McClure's unalloyed bill. Indeed, his principal House co-sponsor, Harold Volkmer, supports our amendments. Nevertheless, if McClure, Knox & Co. persist in their assaults, a very delicately balanced set of compromises which were laboriously worked out among Treasury, Justice, and the NRA could come undone -- to the embarrassment of the President, Senators Hatch and Thurmond, and the current leadership at NRA, which has in good faith sought to accommodate the legitimate law enforcement interests of the Administration.

I attach at Tab A a set of talking points for the meeting.

At Tab B is an article summarizing Neal Knox's complaints against our amendments and Treasury's comments on his allegations.

At Tab C is a side-by-side comparison of current law, the original McClure bill, and our proposed amendments.

Talking Points

- o You are distressed by reports that McClure is opposed to our proposed amendments to S. 914. Would like to convince him that the proposed changes are not inconsistent with his goals.
- o Contrary to some of the reports being circulated by outsiders, the amendments are not the product of a bureaucracy run amok against the President's wishes. Rather they represent the considered judgment of our own appointees who are trying to carry out the mandate of the President -- namely, to protect the interests of legitimate gunowners while at the same time protecting legitimate law enforcement interests.

-- N.B.: The proposed amendments were very quietly worked out between Bob Powis's technical people and the NRA during the summer and early fall of 1983. After they had worked out mutually agreeable language, Lowell Jensen and his people reviewed it and gave their approval. Both Powis and Jensen feel that our proposed amendments are just about as far as we can go, and that any further concessions would open the Administration to severe criticism from the law enforcement community.

- o All of the proposed amendments are for the purpose of enhancing legitimate law enforcement and specifically gun tracing.
- o The amendments do nothing to centralize record-keeping, as alleged. They merely codify existing regulations on tracing.
- o Not only do the Administration's amendments not establish a national registry, but they take positive steps in the direction long sought by gunowners. Specifically, they greatly simplify current restrictions on interstate sales and for the first time will permit gun dealers to sell weapons at gun shows.

- o Virtually everyone else is on board, including McClure's original co-sponsor Harold Volkmer. For the President's sake, the Party's sake, and the sake of Hatch and Thurmond who are carrying the water for the Administration on these amendments, you would like McClure to reconsider his apparent opposition.

COMMENTS ON GUN WEEK ARTICLE
CONTAINING NEAL KNOX'S SYNOPSIS ON S. 914

1. Submission of Licensee Records--Mr. Knox states that the Administration's amendment would "cancel" S. 914's prohibition against gathering registration information and incorporate into law existing registration regulations.

S. 914 would eliminate the authority in the Gun Control Act to require licensees to report sales information to the Government and would prohibit dealer records from being used for a firearms registration system. While this provision is apparently aimed at "firearms registration," it would also prohibit the Government from maintaining the records of out-of-business licensees. This, of course, would have an adverse impact on gun tracing. Therefore, the proposed Administration's amendment would continue existing law which requires licensees to submit out-of-business records, reports of multiple handgun sales and reports of particular firearms transactions such as for gun tracing.

2. Interstate Sales--Mr. Knox states that the Administration's amendment would limit interstate sales of firearms to transactions between unlicensed individuals and dealers only.

S. 914 would permit unrecorded sales of firearms between unlicensed individuals located in separate States where the transaction is legal. The Administration's amendment would also permit unlicensed individuals to acquire firearms outside their State of residence provided that the firearms are obtained in person from a Federal firearms licensee and the transaction is lawful where the transferee lives and where the transaction occurs. Under the proposal, the channelling of firearms through licensees, who must keep records of their firearms transactions, will enable such firearms to be more easily traced. Further, the prohibition against licensees' sales of firearms to felons and other prohibited categories of persons, together with the records licensees must keep of the firearms transactions, would discourage prohibited persons from travelling interstate to purchase firearms.

In addition, this amendment is necessary to enable the States to exercise more effective control over firearms traffic within their own jurisdictions and to prevent the circumvention and contravention of State and local laws governing the sale and acquisition of firearms.

Moreover, under the bill, as the Administration would amend it, law-abiding citizens who are eligible to purchase and possess firearms under Federal, State and local laws would no longer be confined to their own States of residence in acquiring firearms.

3. Ammunition Recordkeeping--Mr. Knox states that the Administration's amendment would continue to require ammunition recordkeeping by a licensed dealer. This statement is erroneous. The bill, together with the Administration's amendments, would eliminate all ammunition recordkeeping currently imposed upon dealers. Dealers in ammunition would not be required to obtain a Federal license and recordkeeping requirements are only imposed upon licensees.

4. Criminal Penalties--Mr. Knox states that the Administration's amendments would lessen the standard for conviction to a "knowing" violation of certain provisions and "willful" violations of remainder.

S. 914 would require proof of the element of willfulness in establishing any violation of the Act. This new element will make it more difficult to successfully prosecute cases under the Act. For example, in the absence of evidence that the defendant had specific knowledge that his conduct violated Federal law, he would not violate the Act by receiving or possessing a firearm as a felon; transporting or receiving a firearm in interstate commerce with the intent to commit a felony therewith; transporting or receiving stolen firearms in interstate commerce knowing the firearms to have been stolen; or using or carrying a firearm in the commission of a Federal crime. The proposed Administration amendment would require proof of a lesser element, i.e., knowledge, for these more serious crimes. The use of "knowingly" as an element of intent necessary to prove a criminal violation would maintain the integrity of the criminal provisions of the Act and ensure that legitimate prosecutions can be maintained. Its use will not result in the prosecution of "technical" or "inadvertent" violations, but will ensure that law violators may be prosecuted without the additional unnecessary burden of proving that the defendant knew his acts violated the law.

5. Forfeitures--Mr. Knox states that the Administration's amendment broadens the Government's authority to seize firearms.

Under S. 914 only firearms involved in or used in violation of any Federal crime is subject to forfeiture. The Administration's amendment also provides that firearms

"intended to be used" may be forfeited if there is clear and convincing evidence. Without this amendment, law enforcement officers having information that particular firearms and ammunition are about to be used in the commission of a Federal crime could not search for and seize such property until the crime is actually committed.

6. Engaged in the Business--Mr. Knox states that the Administration's amendment would allow prosecution for "unlicensed dealing" if a collector realized "pecuniary gain" from sales.

S. 914 defines the term "engaged in the business," to mean "a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms." This definition can be interpreted to exclude part-time businesses from the licensing requirement. In order to ensure that such businesses are not excluded, the Administration has proposed a definition for the term "with the principal objective of livelihood and profit." The proposed definition states that the term means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and necessary gain, as opposed to other intentions such as improving or liquidating a personal firearms collection. It does not require that the sale or disposition of firearms is, or be intended as, a principal source of income or a principal business activity. This provision would make it clear that the licensing requirement does not exclude part-time firearms businesses as well as those firearms collectors or hobbyists who also engage in a firearms dealing business. The establishment of such a definition will enlighten those individuals who are involved in a firearms transaction but are not sure whether their activities require them to obtain a Federal license.

7. Inspection of Licensee Records--Mr. Knox states that the Administration's amendment would allow the prosecution of willful violations of the recordkeeping requirement uncovered during an annual compliance inspection.

S. 914 would restrict inspections to instances where the Government had a warrant based upon reasonable cause to believe evidence of a violation of law may be found on the premises. It provides for warrantless inspections under three narrow circumstances: (1) during a criminal investigation of a person other than the licensee; (2) an annual

compliance inspection; and (3) firearms tracing. Moreover, it bars criminal charges based upon violations discovered during annual inspections except for firearms sales to prohibited persons.

The Administration's amendment provides that willful violations of recordkeeping requirements uncovered during annual inspections may be prosecuted. There is no legitimate reason why criminal prosecution involving serious violations should be forbidden where the evidence has been legally obtained during a lawful inspection. S. 914 would encourage license noncompliance with the Act and regulations. If the licensee has maintained false records or has failed to record firearms transactions, sales to prohibited persons may be impossible to establish. The addition of the word "willful" will assure that technical and inadvertent recordkeeping violations do not give rise to criminal prosecutions.

8. Inspections of Licensed Collectors' Records--Mr. Knox states that the Administration's amendment would allow for annual compliance inspections of a licensed collector without a warrant.

Under S. 914 no inspection could be made with respect to the records and firearms of a licensed collector without a warrant or consent. The Administration's amendment provides for one warrantless annual compliance inspection of licensed collectors. Without warrantless inspections of licensed collectors, some collectors may seek to mask an unlicensed and unlawful firearms dealing business and immunize it from detection by securing only a collector's license. Also, the absence of warrantless inspections would encourage licensed collectors' failure or neglect to keep appropriate records of their receipt and disposition of firearms.

9. Licensed Dealers' Personal Firearms--Mr. Knox states that the Administration's amendment would prohibit unrecorded private sales of firearms by a dealer obtained within a year from any source.

Under S. 914 firearms licensees would not be required to keep records of personal firearms transferred from "business inventory" if held for longer than 1 year. The Administration's amendment provides that any firearm obtained by a licensee, either from business inventory or "otherwise received" would be subject to the 1-year time period. Without this language, the recordkeeping requirements of the Gun Control Act may be easily circumvented. In other words, S. 914 may be interpreted to allow licensees to dispose of firearms designated

as "personal" firearms without recording the transaction if the firearms were obtained from a source other than their business inventory. It would be difficult for the Government to disprove a contention that firearms were received by the licensee as personal rather than business property.

Based upon the recommendation of the NRA, the entire provision concerning the recordkeeping of personal firearms was deleted from the bill.

10. Mandatory Minimum Sentencing--Mr. Knox states that the Administration's amendment would limit the bill's mandatory penalty provision for using or carrying a firearm in the commission of a Federal crime to violent offenses.

The Administration's amendment conforms to a similar provision in the Administration's Comprehensive Crime Control Act and has several advantages to the version contained in S. 914. In the first place, it would apply a mandatory prison term of 5 years (10 years for a second or subsequent violation) for the use or carrying of a firearm during the commission of a Federal crime of violence. S. 914 would impose only a minimum 1-year sentence (5 years for a second or subsequent offense), and would not apply this minimum penalty to situations in which the firearm is carried as opposed to actually used. Moreover, in contrast to the proposal in S. 914, the amendment's provision strengthens the current law by making it expressly applicable even where the underlying statute has its own provision for enhanced punishment if committed by the use of a deadly or dangerous weapon, as for example, the bank robbery statute. Finally, the proposed amendment unlike S. 914, would remove the inappropriate limitation in the present law that requires that a firearm be carried "unlawfully" during a Federal offense, meaning that the section may not now be applied to a person who is licensed to carry a firearm but who misuses such authority to carry the firearm during his commission of a violent crime. In sum, the proposed amendment represents a preferable formulation of the offense of using or carrying a firearm during the commission of a Federal crime that would more effectively punish and deter the criminal misuse of firearms by violent offenders in our society.

GUN WEEK,

Gunowners Oppose McC

by Joseph P. Tartaro
Executive Editor

Opposition to the Treasury Department amendments to the McClure-Volkmer Firearm Owners Protection Act (S-914) has been growing among national and state pro-gun organizations and it is clear that President Reagan himself might have to intercede to quell the rising concern among some of his staunchest 1980 supporters.

The McClure-Volkmer reform effort had the support of Ronald Reagan when he was a candidate for the presidency. On several occasions during his presidency, Reagan or one of his close associates has clearly restated his support for the reform act.

At his historic appearance at the National Rifle Association convention in Phoenix in May, the President was unequivocal in his continued support for a bill which had been filed again, with language previously agreed upon in Administration conferences. Now, in the last year of his first term, he may have to straighten out people within his own administration if a real reform bill is to pass either house of Congress.

That is because people cloaked in the anti-Administration have gone beyond the previously reached to add new amendments seriously threaten the value of the bill if changing it to one that is inimical to the gunowners.

McClure Opposition

Sen. James A. McClure (R-Idaho), author of the Firearms Owners' Protection Act and previous Congresses, has himself objected to amendments which were offered in the Administration by Asst. Treasury Secretary Powis at an Oct. 4 hearing of the Senate Committee. Powis, who prefaced his remarks by stating that Pres. Reagan supported the bill, offered a package of amendments which would seriously change the reform act.

Sen. McClure made no bones about his objections to these changes, telling *Gun Week* that the Treasury Department taking "another bite out of the legislative apple."

Gunowners Oppose McClure Amendments

(Cont'd. from Page 1)

Gunowners of America, through Larry Pratt, its executive director, is urging its members to contact their senators and the President "urgently" requesting support for the McClure-Volkmer bill when it comes before the Senate. GOA also wants the Senate to "vote against any amendments, including a waiting period (which could still be proposed) or those from the B.A.T.F. which would kill the bill."

Pratt told *Gun Week*, "The original purpose of the bill was to eliminate ambiguous language which had led to abuses by over-zealous BATF agents in the past. Even if the amendments are more benign than we interpret them (as their supporters claim), they re-insert more ambiguities which will only make matters worse in future. "If we can't get a clean McClure bill, we're better off without it."

Offers Opposed

GOA is not the only pro-gun group opposing the B.A.T.F. amendments. The Citizens Committee for the Right to Keep and Bear Arms is also opposed to the Treasury package as contained in the Hatch substitute and is scheduled to inform its members and act accordingly. Associated Gun Clubs of Baltimore, Inc., through its legislative director, Weldon Clark, has sent out a letter to other pro-gun groups in the nation telling them that the Treasury Amendments "would gut" the McClure bill.

We know of no plans by the National Rifle Association to oppose the amendments. In October, J. Warren Cassidy, executive director of the NRA-ILA, told Sen. Thurmond:

"...NRA would, of course, prefer that our bill, Senator McClure and Congressman Volkmer's bill, become law as we present it. However, in the interest of breaking up the log-jam that has existed for so long, and recognizing that a loaf on the table is better than a bakery full of molding bread, we will accept the amendments as presented with the full understanding — and it is my understanding — that they do not take the core of our arguments out from under our bill."

Cassidy then specifically endorsed the changes involving dealer, and BATF, participation in gun shows and the proposed BATF definition of "engaged" in the business.

But Neal Knox, former executive director of NRA-ILA, now a columnist for several firearms publications, has claimed that the "Hatch Substitute is a piece of Halloween candy with most of the filling carved out and an implanted razor blade."

Knox, who has devoted many weeks of his time to personally lobby in favor of the original McClure language and studying the BATF and Hatch changes, has prepared a useful synopsis for gunowners. We reprint its key comparisons below for the information of our readers.

Knox Synopsis

(Major provisions of the McClure Bill, S. 914, are in bold face; Treasury/Justice Amendments in light. Sen. Hatch's substitute contains same provisions as Treasury Amendments, except as noted.)

1. S. 914 eliminates authority in Gun Control Act to require licensees to report sales information to BATF; prohibits dealer records from being used for firearms registration system.

Treasury amendments cancel S. 914's prohibition against gathering registration information and incorporate into law existing registration regulations: Sec. 178.126, to allow Treasury to impose firearms registration requirements upon demand; Sec. 178.126a, requiring dealers to immediately report name, address and age of buyers of more than one handgun; and Sec. 178.127, requiring out-of-business dealers to send all firearms disposition records to Treasury, creating a central file of firearms owners and all guns purchased from dealers. Hatch Substitute adds: "such regulations shall not...authorize the establishment of any centralized or regional system of registration of firearms or firearms owners," which only pre-

3. S. 914 ends ammunition-only dealer licensing and ammo sales recordkeeping by dealers.

Treasury amendment would require dealers to continue registering ammunition sales. Hatch Substitute restores elimination of ammunition recordkeeping.

4. S. 914 requires violations of Gun Control Act to be proved as "willful". (Violation without criminal intent is now adequate for conviction).

Treasury amendment would lower S. 914's conviction standard to "knowing violations" of certain provisions, "willful violations" of remainder.

5. S. 914 limits firearms seized during arrest (subject to forfeiture) to those identified as involved in an alleged violation; provides that seized guns shall be promptly returned upon acquittal.

Treasury amendment broadens seizure powers; nullifies "prompt return of firearms" provision by allowing a separate forfeiture trial under lower "knowing" standard.

Key Figures In Final Push for S-914



Sen. James McClure



Pres. Ronald Reagan



Sen. Orrin Hatch

cludes Sec. 178.126 from being used to establish any additional registration system. Revision would not affect the centralized registration of gun owners already established by Sec. 178.126a, or the centralized registration of guns and owners already established by Sec. 178.127.

2. S. 914 allows interstate sales and transfers of firearms between individuals, or purchases from out-of-state dealers, provided neither state nor local laws of buyer or seller prohibits. (Does not authorize mail order sales.) (P-6-8)

Treasury amendment would limit non-residents to purchases from licensed dealers only, effective after the legislature of that state has met, giving the states time (according to Treasury's analysis) to "bar interstate transfers" of guns.

6. S. 914 defines "engaging in the business" so gun collecting as a hobby would not require a license.

Treasury amendment would substantially nullify definition by allowing prosecution for "unlicensed dealing" if a collector realized "pecuniary gain" from sales.

7. S. 914 limits dealer inspections; routine inspections to be solely for inspection, with no criminal charges to be brought except for sales to prohibited persons.

Treasury amendment also would allow record-keeping prosecutions discovered in routine inspections.

8. S. 914 prohibits BATF entry into licensed collector's homes without a warrant issued by a magistrate.

Treasury amendment would allow annual inspections in collectors' homes with notice.

9. S. 914 allows a licensed dealer to buy or sell from his private collection without records, except for sales of guns transferred to himself from his business inventory within a year.

Treasury amendment would prohibit unrecorded private sale of any gun obtained within a year from any source. Hatch Substitute eliminates private collections by dealers.

10. S. 914 makes the mandatory sentence for use of a firearm in a Federal crime apply also to destructive devices; limits mandatory sentence to use in violent crimes; increases minimum penalty for second offense; provides safeguards for use in self-defense.

Hatch Substitute requires mandatory sentence for using or carrying firearms during violent crimes; strikes self-defense safeguard and eliminates minimum sentence for crimes with destructive devices.

11. S. 914 allows "safe transit" of unloaded, cased firearms during interstate travel through areas where possession is prohibited. (No change by Treasury or Hatch Substitute.)

12. S. 914 prohibits denial of a license on the same grounds for which a licensee had been tried and acquitted. (No change.)

SUMMATION — The unamended S. 914 would make major improvements in the Gun Control Act, both by loosening the Federal gun laws and providing safeguards against previous BATF abuses. The Hatch Substitute would nullify most of the bill's major provisions by adopting the proposed Treasury amendments, *which ignore the prior Administration agreement to support S. 914.* The Hatch bill improves Treasury amendments by eliminating

ammunition sales records and including a partial limitation on their gun registration provisions.

Net Gains With Hatch Bill — Interstate sales slightly broadened; ammo records eliminated; some prosecutions made easier to defend; mandatory sentence limited to violent crimes; allows safe interstate transit.

Net Losses with Hatch Bill — Gun registration regulations would be given Congressional approval; invites states to pass interstate transfer bans; allows BATF to charge "unlicensed engaging in business" if "pecuniary gain" realized on gun sales.

After reading this report, and others which appeared earlier in *Gun Week*, if you want the McClure bill without the amendments already offered by BATF and Sen. Hatch, or any that may yet be offered in Committee or on the floor of the Senate, write to President Reagan, The White House, 1600 Pennsylvania Ave., Washington, DC 20500, and your senator, c/o Senate Office Buildings, Washington, DC 20510. You may also write to your Congressman at the U.S. House of Representatives, Washington, D.C. 20515. However, the bill will not be considered by the House until after the Senate acts.

A key figure in the whole dispute will be Pres. Reagan himself, because while he supported the original McClure proposal, second and third level bureaucrats in his Administration seem to be working to undermine both him and the bill.

COMPARISON OF MAJOR PROVISIONS OF S.914,
98th CONGRESS (McCLURE BILL),
October 3, 1983, DRAFT BILL AND EXISTING LAW (Admin.)

Existing Law

S.914

October 3 Draft of Amendments to S. 914

I. Interstate Sales

✓
Unlawful for any person to sell or deliver firearms to any person not residing within transferor's State of residence. (18 U.S.C. § 922(a)(5) and (b)(3).) Nonlicensees may not lawfully receive in their State of residence a firearm from outside that State. (18 U.S.C. § 922(a)(3).) Exception for licensee sales of longguns to nonlicensed residents of contiguous States enacting enabling legislation.

Nonlicensees may acquire firearms from other nonlicensees outside the transferee's State of residence if the sale is made in person and if lawful where the transferee resides and the transaction occurs. Licensees may sell firearms over-the-counter to nonlicensees residing out-of-State under same conditions.

Nonlicensees may acquire firearms outside their State of residence if obtained in person from a licensee and the transaction is lawful where the transferee resides and the transaction occurs. Interstate transactions between nonlicensees prohibited. (p.8)

States are allowed 1 year or 1 legislative session (whichever occurs last) to bar interstate transactions. (p.21)

II. Waiting Periods

18 U.S.C. § 922(c) requires no waiting period for intrastate over-the-counter sales of firearms. Requires a 7-day waiting period for non-over-the-counter intrastate sales of firearms and contiguous State sales of longguns by licensees.

Same as existing law.

Same as existing law.

Existing Law

Applicant must be "engaged in the business" of manufacturing, importing, or dealing in firearms and ammo. Term not defined by statute. (18 U.S.C. §§ 922(a)(1) and 923(a).)

✓ Licensees may not engage in a firearms business on other than their licensed premises and licenses are not issued for temporary locations, e.g., gun shows. (18 U.S.C. § 923.)

✓ Under 18 U.S.C. § 923(g), licensees are required to maintain records of all firearms transactions indefinitely. ATF maintains licensee out-of-business records.

S.914

III. Licensing

Eliminates ammo dealers. Defines as importers, manufacturers and dealers in firearms those who regularly import, manufacture and deal with the principal objective of livelihood and profit.

IV. Gun Shows

Same as existing law.

V. Records of Firearms Transactions
(a) Business Inventory

Same as existing law except no regulation issued after effective date may require centralizing licensee records. Licensed collectors not required to maintain Firearms Transaction Record, Form 4473.

October 3 Draft of Amendments to S. 914

Same as S.914. In addition, defines the term "principal objective of livelihood and profit." (pp.2,3,4)

Licensees could conduct business at temporary locations other than that shown on the license but only in the same State as the licensed premises. (p.15)

Same as S.914. In addition, specific authority for gun tracing. (p.20)

Existing Law

✓ Licensees must keep records of disposition of personal firearms. (18 U.S.C. § 923(g).)

Secretary authorized to inspect licensees' firearms inventory and requisite records at all reasonable times. (18 U.S.C. § 923(g).)

S.914

(b) Personal Firearms

Licensees not required to keep records of personal firearms transferred from "business inventory" if held for longer than 1 year.

VI. Inspection of Licensees Records

Restricts inspections to instances where Government has a warrant based upon reasonable cause to believe evidence of a violation of law may be found on the premises, except (1) in the course of a criminal investigation of a person other than the licensee, (2) 1 annual inspection, or (3) in firearms tracing.

No warrantless inspections of licensed collectors. Bars criminal charges based upon violations discovered during annual inspection except for firearms sales to prohibited persons.

October 3 Draft of Amendments to S. 914

Same as S.914. In addition, licensees not required to keep records of personal firearms transferred from business inventory or received as personal firearms if held for longer than 1 year. (p.12)

Same as S.914, except that willful violations of recordkeeping requirements uncovered during annual inspection may be prosecuted and 1 annual inspection of licensed collector without warrant allowed. (p.14)

Existing Law

✓ Licensees must report to Secretary information with respect to required records as prescribed by regulations. (18 U.S.C. § 923(g).) Regulations require submission of out-of-business records, reports of multiple handgun sales, manufacturers' quarterly statistical reports, and specific information from required records upon demand.

Denial of an application for a license or renewal of a license for failure to meet statutory criteria. (18 U.S.C. § 923(d).) License revocation for a willful violation of 18 U.S.C. Chapter 44 or regulations. (18 U.S.C. § 923(e).) Criminal prosecutions for violations of Chapter 44.

S.914

VII. Reports to the Government

No regulation promulgated after effective date may require consolidating or centralizing licensee records. Submission of out-of-business records and other information by licensees could not be required in view of the deletion from 18 U.S.C. § 923(g) of the specific language requiring licensees to submit information to the Government.

VIII. Sanctions Against Licensees

No license could be denied or revoked upon charges in a criminal case if the licensee is acquitted or the criminal case is terminated other than upon Government's motion prior to trial. No revocation action could commence more than 1 year after the filing of indictment or information.

October 3 Draft of Amendments to S. 914

No regulation promulgated after effective date may require consolidating or centralizing licensee records. In addition, does not restrict or expand Secretary's authority to inquire into the disposition of firearms. (p.20) Regulations requiring submission of out-of-business records, reports of multiple handgun sales would be retained. (p.21)

Same as S.914. (p.13)

Existing Law

S.914

October 3 Draft of Amendments to S. 914

Prohibits the importation of firearms without a permit. (18 U.S.C. § 925(d).) Generally, only licensees may obtain a permit and import firearms since nonlicensees are prohibited by interstate controls from receiving in their State of residence a firearm obtained outside that State. (18 U.S.C. § 922(a)(3).)

18 U.S.C. § 924(c) prohibits carrying or using firearms during commission of a Federal crime. Penalty for first offense is 1-10 years. For subsequent offenses, penalty is a mandatory 2-25 years and sentence is not concurrent with that for underlying Federal felony.

IX. Importation

Nonlicensees could lawfully acquire and receive firearms outside their State of residence. Thus, importation of firearms, pursuant to a permit, would be lawful.

Same as existing law. (pp.6,7)

X. Mandatory Penalties for Carrying or Using
Firearms in the Commission of Federal Crimes

Increases penalty for second offenders to 5-25 years and eliminates mandatory sentence for carrying offense.

Same as S.914. (p.16)

Existing Law

S.914

October 3 Draft of Amendments to S. 914

**XI. Firearms Transactions Involving
Prohibited Persons**

(a) Possession of Firearms by Prohibited Persons

18 U.S.C. Chapter 44 (18 U.S.C. § 922(g) and (h)) and 18 U.S.C. App. §§ 1202-1203 prohibit these persons from shipping or transporting firearms in interstate or foreign commerce and from receiving or possessing firearms which previously moved in interstate or foreign commerce or which affect commerce.

Substantially the same as existing law. Would repeal 18 U.S.C. App. §§ 1202-1203 and incorporate its provisions into Chapter 44.

Same as S.914. (pp.9-11,22)

(b) Sales to Prohibited Persons

Licensees may not lawfully dispose of firearms to felons and other prohibited categories of persons. (18 U.S.C. § 922(d).)

Unlawful for any person, whether licensed or not, to make such sales.

Same as S.914. (p.8)

**(c) Definition of Crime Punishable by
Imprisonment for More than One Year**

Conviction of such a crime is deemed to have occurred upon a plea of guilty or finding of guilt by the court, regardless of whether the person is considered to have been convicted under State law. Definition of disabling felony excludes State misdemeanors punishable by imprisonment for a term of 2 years or less, unless the misdemeanor involved a firearm or explosive. (18 U.S.C. § 922(a)(20).)

That which constitutes a conviction determined by the law of the jurisdiction in which the proceedings were held. State misdemeanor punishable by imprisonment for 2 years or less, including those involving a firearm or explosive, excluded from the definition.

Same as S.914. (p.5)

Existing Law

Relief of disabilities of convictions may be granted by the Secretary if satisfied that relief would not be contrary to public interest and safety. Not eligible for relief if convicted of using a firearm or GCA violation. (18 U.S.C. § 925(c).) State expunction proceedings do not erase Federal disabilities.

Any firearms or ammo involved in, used or intended to be used in violation of any Federal crime is subject to forfeiture. (18 U.S.C. § 924(d).)

S.914

(d) Relief from Disabilities and Expunction of Convictions

Allows relief for all categories of persons having firearms disabilities and removes bar to relief for felons whose crimes involved using a firearm or GCA violation. Provides for judicial review of denial of relief. Recognizes State expunction procedures setting aside conviction as removing Federal disabilities, unless the person is expressly denied the right to possess or receive firearms.

XII. Forfeiture of Firearms and Ammo

Grounds for forfeiture substantially the same except "intended to be used" standard omitted. Also, a violation of the firearms law must be "willful" before forfeiture allowed. Forfeiture proceeding must be commenced within 120 days of seizure and the court shall award the owner or possessor attorney's fees if he prevails. If owner or possessor is acquitted of criminal charges upon which the seizure is based, property must be returned unless he would be placed in violation of law.

October 3 Draft of Amendments to S. 914

Same as S.914. (p.5)

Substantially the same as S.914, except, firearms "intended to to used" may be forfeited if there is clear and convincing evidence. Also, two-tiered standard for forfeiture depending upon particular violation. Certain crimes require a willful element, others only a knowledge element. (p.17)

Existing Law

S.914

October 3 Draft of Amendments to S. 914

XIII. Criminal Intent

✓
Willfulness, i.e., knowledge of the requirements of law, not an element of proof for violation of 18 U.S.C. Chapter 44. (18 U.S.C. § 924(a).)

Would require proof of "willful" violation in any prosecution under Chapter 44.

Would require proof of "willful" violation for certain prosecutions and proof of "knowing" violations for remainder of prosecutions.
(p.16)

THE WHITE HOUSE
WASHINGTON

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February 24, 1984

FOR: EDWIN MEESE III
FROM: MICHAEL M. UHLMANN
SUBJECT: Gun Bill Meeting

I will be meeting today at 2 o'clock with McClure, Hatch, and possibly Thurmond, along with Lowell Jensen and John Walker to see if we can come any closer together on the gun bill. Frankly, I doubt it. The view is pretty widely shared among Justice, Treasury, Hatch, and Thurmond that McClure is not interested in reaching an agreement and that further talking only increases his appetite for more unreasonable concessions.

I attach a draft response to McClure's letter to you of a couple of weeks ago in which he summarizes the then status of negotiations. Like virtually all previous correspondence from McClure on the subject, the letter takes an exceedingly generous view of what actually happened. McClure's letter is not an accurate description of what transpired at the meeting and seems designed more for outside consumption than for any serious negotiating purposes.

Lowell Jensen and John Walker feel very strongly at this point that any further concessions on their part would be irresponsible. I indicated to McClure when I spoke to him on Thursday morning that I felt there were some remaining differences that would be very hard to reconcile, but that, as members of the same political family, we should do everything we can to give it one more try.

Thurmond is anxious to hold the mark-up on next Tuesday and wrote to McClure yesterday, in effect saying that he plans to go ahead whether McClure is ready or not. Unless you let me know otherwise, I plan to indicate at the meeting that the White House sympathizes with the Treasury and Justice position.

Dear Senator McClure:

Ed Meese has asked me to respond to your letter dated February 6, 1984, relative to discussions which have been held in an effort to resolve issues you have raised regarding the Hatch amendments to S. 914. Our recollection of what was agreed to differs somewhat from yours, and I want to take this opportunity both to document my recollection and to discuss some of the issues that remain unresolved.

We agreed in principle that out-of-business records should be stored in a facility of a disinterested agency within the Federal Government. Lowell Jensen suggested that GSA be the depository and Treasury stated that the retention period for records be reduced to 20 years. We agree that GSA should be the depository for the out-of-business records provided that the legislation makes clear that ATF would have immediate access to these records and be able at any time to examine them without prior notice for maintenance and gun tracing purposes and that no regulation or rule of practice by GSA to the contrary be promulgated or required by law. In order to ensure that the authenticity of the records can be legally established in court proceedings, ATF must be designated as the official custodian of the records from the time of their receipt by the government, although such custody may be jointly held with GSA. It is also necessary that the 20-year retention period be retained. It was carefully considered and represents a major departure from the present law which sets no time limit.

On the question of scienter, the Administration is not able to accept the language you have proposed which would define the terms "willful" and "knowing." I have discussed this matter with John Walker at Treasury, Lowell Jensen at Justice and Deborah Owen of the Senate Judiciary Committee. They share my view that it would be inadvisable to depart from the interpretations placed upon these terms by the courts by adopting statutory definitions which could adversely affect the interpretation of these terms in other contexts. We do agree, however, that section 922 (f) should be elevated from the "knowing" standard to a "willful" standard. (The Hatch amendment already provides that Section 922 (a)(1) should be "willful".)

After discussion with Lowell Jensen and Deborah Owen, the Administration is not in a position to agree with the proposed changes on the issue of mandatory penalties which establishes a self-defense standard independently of the common law of self-defense which would apply to the underlying violent felony. An individual convicted of a violent felony presumably after the jury has rejected his claim of self-defense should not be able to avail himself of a second defense of self-defense for the firearms offense committed during the felony. Our position is consistent with the stated purpose of the bill: to protect honest, legitimate gun owners and dealers and not felons. Hence, I believe that legislation involving the terms "honestly perceived" or "the good faith position of" becomes moot in connection with an individual committing a violent felony.

Lowell Jensen and John Walker have advised me that they will agree to a list of certain violent felonies and predicate offenses to mandatory sentences in connection with the case of an individual who is "carrying" a firearm during the commission of a violent felony. Lowell intends to submit a list of these offenses for your review.

The Administration is unable to agree with your position relating to the seizure of firearms. While we can accept the government's burden of establishing the right to forfeiture by "clear and convincing evidence", limiting such evidence to crimes referenced in the RICO statute would enable the gun dealer planning with full criminal intent to sell firearms to a felon, to avoid the seizure of those firearms, unless he is also a member of the subsequent conspiracy to commit a RICO offense.

On reviewing closely your annotated copy of the bill containing the Hatch amendments, we have found a number of additions and deletions to the amendments which we feel constrained to comment on in some detail. They are listed as follows:

Page 4, lines 11 through 18

We cannot agree on the deletion of the stricken portion. We do not recall any agreement to delete the definition of the term "principal objective of livelihood and profit."

Page 8, lines 16-21

We could agree with your amendment relating to sales by licensees of their personal firearms, provided that it is amended further to include firearms transferred from business inventories or otherwise received into their personal collections and held there for at least one year.

Page 9, lines 17 through 22

While we agree with the storage of out-of-business records with GSA, we are not able to agree to any provision which calls for GSA to issue regulations either as to out-of-business records or multiple sales reports. We do not recall that we had any understanding on multiple sales records other than that they would be handled by ATF in the same manner as at present. It is, of course, necessary for ATF to have immediate access to out-of-business records for gun tracing purposes and to continue to receive multiple-sales records pursuant to existing regulations.

Moreover, we cannot agree with your amendment because it would eliminate our existing authority to obtain information from licensees to trace firearms. Similarly, reference to

gun tracing authority has been deleted on page 18 lines 11-15 and it is therefore unacceptable.

Page 9, lines 30 through 34

We do not agree with the deletions or additions which appear in this area relative to licensed collectors. Similarly, we are not able to agree with the changes which you have proposed on page 10 at lines 3, 4, 12, 13, 14 22, 23, and 24.

Page 11, lines 13 through 19

As I have indicated above, while we agree that these records should be maintained by GSA, we do not agree to any language which might restrict the ability of ATF to conduct prompt tracing inquiries.

Page 12, line 11

We can agree with the addition on this line regarding the ability to display firearms and ammunition at gun shows.

Page 13, lines 1 through 29

As discussed above, the Administration is not able to agree with the deletion of this provision of the amendments and the substitution which you have proposed in connection with mandatory sentences and the so-called self-defense provision.

Page 13, lines 32 and 33 and the addition on page 14

As discussed, we are not able to agree on your proposed forfeiture provision.

Page 15

We are not able to agree with the deletion on lines two and three and the addition at line five regarding the application of the term "clear and convincing evidence."

Page 16, line 32

We do agree with your deletion of the word "centralized."

Page 17, lines 26 through 34

We can agree with a change which provides that all provisions of this Act shall become effective 180 days after the date of enactment.

DRAFT

The foregoing sets forth our collective recollection of the agreements reached and the Administration's position regarding those areas which had not been resolved. We all share with you the sincere desire to arrive at an equitable and workable resolution of these issues which stand in the way of producing firearms legislation reform as advocated by the Administration.

We look forward to further discussion on this matter at your convenience.

Sincerely,

Michael M. Uhlmann
Special Assistant
to the President

The Honorable
James A. McClure
United States Senate
Washington, D.C. 20510

cc: The Honorable
Edwin Meese, III

The Honorable
Lowell Jensen

The Honorable
John M. Walker, Jr.

The Honorable
Strom Thurmond
Chairman, Committee
on the Judiciary
(Attention: Deborah Owen)

United States Senate

WASHINGTON, D.C. 20510

February 6, 1984

The Honorable Ed Meese
The White House
Washington, D.C. 20500

Dear Ed:

Pursuant to your instructions, I met with representatives of the Department of Justice, Department of the Treasury, Office of Policy Development, and Senator Thurmond's office last Wednesday at the White House.

At the end of that meeting, we had resolved all except three major issues and two minor issues. The attached proposal is an effort to resolve what I believe to be all outstanding controversies with respect to those issues.

All of the participants at the meeting agreed in principle to the notion of requiring that out of business records be forwarded to a disinterested agency within the federal government. BATF had suggested the General Services Administration and had proposed that the records be destroyed at the end of 20 years. I had proposed that the national archivist be given responsibility for the records and that they be destroyed at the end of 10 years. I am prepared to accept the Administration's position with the respect to the General Services Administration and would propose that we split the difference on time.

On the question of scienter I had proposed that violations of Section 922 (a) (1), (a) (6), (f), (i), (j), and (k), be elevated from a "knowing" standard to a "willful" standard. Mr. Uhlman suggested instead that instead the terms "knowing" and "willful" merely be statutorily defined in order to avoid some of the more objectionable case law, notably United States v. Thomas, United States v. Graves, and United States v. Werner. I am prepared to accept the Administration's position, and have submitted language which would accomplish this.

On the question of mandatory penalties, Justice Department raised two issues at last Wednesday's meeting. The first was the question of whether simple carrying would be exempted from the non-probation, non-parole, non-concurrent sentencing provisions of the section. The second was the issue of whether the self-defense language would insulate a felon being pursued by police from 924 (c) prosecution. In addition, in response to a proposed draft I circulated last Friday to deal with these two issues, Treasury raised an objection to the use of the word

The Honorable Ed Meese
February 6, 1984
Page 2

"honestly" in the self-defense proviso. I have actively solicited an all-inclusive list of the Administration's objections to my proposed 924 (c) compromise: and these three issues are, to the best of my knowledge, the only outstanding controversies.

The language which I have enclosed would, I believe, resolve all outstanding controversies surrounding Section 924 (c). It would make the non-probation, non-parole, non-concurrent sentencing provisions equally applicable to "use" and "carrying," but would require that the "carrying" be done for the purpose of committing the offense. It would add a provision making the self-defense language inapplicable to a person who was in danger as result of his commission of a felony. And, finally, it would replace the word "honestly" with "in good faith," which would carry with it some element of rudimentary reasonableness. I believe these three changes fairly and adequately deal with all the objections raised by the parties to Wednesday's meeting.

The final outstanding question is one of whether "clear and convincing evidence" can be sufficient grounds for the seizure of firearms. I had originally taken the position that only an actual violation of law should be sufficient for such a drastic remedy. As a compromise, I proposed that clear and convincing evidence of intent to commit certain very serious crimes (homicide, arson, and assisting insurgency movements abroad) could be sufficient grounds for seizure. As a further compromise, I am now willing to propose that the full panoply of crimes referenced into the RICO statute by 18 U.S.C. 1961 be added to the grounds for seizure, in exchange for language insuring that seized weapons will not be mistreated.

This compromise represents a broad range of concessions on my part. But I felt that such flexibility was appropriate in view of the dire necessity of reaching an agreement on this package and moving it immediately. I would ask that the Administration respond in kind by endorsing this compromise proposal, so we can move forward without delay.

Ed, I look forward to your response.

Sincerely,



James A. McClure
United States Senator

McC:mhn

AMENDMENT NO. ___

Calendar No. ___

Purpose: To make certain amendments requested by the
administration, technical amendments, and other improvements.

IN THE SENATE OF THE UNITED STATES--98th Cong., 1st Sess.

S. 914

To protect firearms owners' constitutional rights, civil
liberties, and rights to privacy.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

Amendment In the Nature of a Substitute Intended to be proposed
by Mr. _____
HATCH

Viz:

1 Strike out all after the enacting clause and insert, in
2 lieu thereof the following:
3 That the Congress finds that the rights of citizens to keep
4 and bear arms under the second amendment to the United States
5 Constitution; their rights to security against illegal and
6 unreasonable searches and seizures under the fourth
7 amendment; their protections against uncompensated taking of
8 property, double jeopardy, and assurance of due process of
9 law under the fifth amendment; and their rights against
10 unconstitutional exercise of authority under the ninth and
11 tenth amendments; require additional legislation to correct
12 existing firearms statutes and enforcement policies. The
13 Congress further finds that additional legislation is
14 required to reaffirm its intent, as expressed in section 101
15 of title I of the Gun Control Act of 1968, that "it is not
16 the purpose of this title to place any undue or unnecessary
17 Federal restrictions or burdens on law-abiding citizens with
18 respect to the acquisition, possession, or use of firearms
19 appropriate to the purpose of hunting, trapshooting, target
20 shooting, personal protection, or any other lawful activity,
21 . . ." or "to discourage or eliminate the private ownership
22 or use of firearms by law-abiding citizens for lawful

1 purposes''.

2 TITLE I--AMENDMENTS TO TITLE 18, UNITED STATES CODE (18
3 U.S.C. 921-922)

4 AMENDMENTS TO SECTION 921

5 Sec. 101. Section 921 of title 18, United States Code, is
6 amended--

7 (1) in subsection (a) (10) by deleting the words
8 ''manufacture of'' and inserting in lieu thereof the
9 words ''business of manufacturing'';

10 (2) in subsection (a)(11)(A) by deleting the words
11 ''or ammunition'';

12 (3) in subsection (a)(17) by deleting the words ''or
13 ammunition'';

14 (4) in subsection (a)(13) by deleting the words ''or
15 ammunition'';

16 (5) by amending subsection (a)(22) to read as
17 follows:

18 ''(22) The term 'crime punishable by imprisonment for a
19 term exceeding one year' shall not include (A) any Federal or
20 State offenses pertaining to antitrust violations, unfair
21 trade practices, restraints of trade, or other similar
22 offenses relating to the regulation of business practices, or
23 (B) any State offense classified by the laws of the State as
24 a misdemeanor and punishable by a term of imprisonment of two
25 years or less: provided, however, That what constitutes a
26 conviction shall be determined in accordance with the law of
27 the jurisdiction in which the proceedings were held: provided
28 further, That any conviction which has been expunged, or set
29 aside or for which a person has been pardoned or has had his
30 or her civil rights restored shall not be considered a
31 conviction under the provisions of this Act, unless such
32 pardon, expungement, or restoration of civil rights expressly
33 provides that the person may not ship, transport, possess, or
34 receive firearms.''; and

1 (6) in subsection (a) by inserting new paragraphs
2 (21) and (22) after paragraph (20), to read as follows:

3 "(21) The term 'engaged in the business' means--

4 "(A) As applied to a manufacturer of firearms, a
5 person who devotes time, attention, and labor to
6 manufacturing firearms as a regular course of trade or
7 business with the principal objective of livelihood and
8 profit through the sale or distribution of the firearms
9 manufactured.

10 "(B) As applied to a manufacturer of ammunition, a
11 person who devotes time, attention, and labor to
12 manufacturing ammunition as a regular course of trade or
13 business with the principal objective of livelihood and
14 profit through the sale or distribution of the ammunition
15 manufactured.

16 "(C) As applied to a dealer in firearms, as defined
17 in section 921(a)(11)(A), a person who devotes time,
18 attention, and labor to dealing in firearms as a regular
19 course of trade or business with the principal objective
20 of livelihood and profit through the repetitive purchase
21 and resale of firearms. The term shall not include a
22 person who makes occasional sales, exchanges, or
23 purchases of firearms for the enhancement of a personal
24 collection or hobby, or who sells all or part of his
25 personal collection of firearms.

26 "(D) As applied to a dealer in firearms, as defined
27 in section 921(a)(11)(B), a person who devotes time,
28 attention, and labor to engaging in such activity as a
29 regular course of trade or business with the principal
30 objective of livelihood and profit. The term shall not
31 include a person who makes occasional repairs of firearms
32 or who occasionally fits special barrels, stocks, or
33 trigger mechanisms to firearms.

34 "(E) As applied to an importer of firearms, a person

1 who devotes time, attention, and labor to importing
 2 firearms as a regular course of trade or business with
 3 the principal objective of livelihood and profit through
 4 the sale or distribution of the firearms imported.

5 "(F) As applied to an importer of ammunition, a
 6 person who devotes time, attention, and labor to
 7 importing ammunition as a regular course of trade or
 8 business with the principal objective of livelihood and
 9 profit through the sale or distribution of the ammunition
 10 imported.

11 ~~"(22) The term 'with the principal objective of
 12 livelihood and profit' means that the intent underlying the
 13 sale or disposition of firearms is predominantly one of
 14 obtaining livelihood and pecuniary gain, as opposed to other
 15 intents, such as improving or liquidating a personal firearms
 16 collection. It does not require that the sale or disposition
 17 of firearms be, or be intended as, a principal source of
 18 income or a principal business activity."~~

19 AMENDMENTS TO SECTION 922

20 Sec. 122. Section 922 of title 18, United States Code, is
 21 amended--

22 (1) by amending subsection (a)(1) to read as follows:

23 "(1) for any person (A) except a licensed importer,
 24 licensed manufacturer, or licensed dealer to engage in
 25 the business of importing, manufacturing, or dealing in
 26 firearms, or in the course of such business to ship,
 27 transport, or receive any firearm in interstate or
 28 foreign commerce; and (B) except a licensed importer or
 29 licensed manufacturer to engage in the business of
 30 importing or manufacturing ammunition, or in the course
 31 of such business, to ship, transport, or receive any
 32 ammunition in interstate or foreign commerce;"

33 (2) in subsection (a)(2)--

34 (A) by deleting the words "or ammunition"; and

1 (B) by deleting the words "or licensed dealer
 2 for the sole purpose of repair or customizing," and
 3 inserting in lieu thereof the words, "licensed
 4 dealer, or licensed collector.";

5 (3) by amending clause (B) of subsection (a) (3) to
 6 read as follows: "(B) shall not apply to the
 7 transportation or receipt of a firearm obtained in
 8 conformity with the provisions of subsection (b) (3) of
 9 this section.";

10 (4) in subsection (b)--

11 (A) by deleting in paragraph (2) "or
 12 ammunition" each place it appears;

13 (B) by deleting from paragraph (3) (A) "a rifle
 14 or shotgun to a resident" and all that follows
 15 through "business premises," and inserting in lieu
 16 thereof the following: "any firearm to a resident of
 17 a State other than a State in which the licensee's
 18 place of business is located if the sale, delivery
 19 and receipt fully comply with the legal conditions of
 20 sale in both such States: Provided,
 21 however, that any licensed manufacturer, importer or
 22 dealer shall be presumed, in the absence of evidence
 23 to the contrary, to have had actual knowledge of the
 24 State laws and published ordinances of both
 25 States,"; and

26 (C) by deleting from paragraph (5) "or
 27 ammunition except .22 rimfire ammunition";

28 (5) in subsection (c)--

29 (A) by deleting "licensed importer, licensed
 30 manufacturer, licensed dealer, or licensed
 31 collector" the first time they appear and inserting
 32 in lieu thereof "any person";

33 (B) by deleting in paragraph (3) the word "or"
 34 following the semicolon;

1 (C) by replacing the period in paragraph (4) with
2 a semicolon; and - . . .

3 (D) by inserting after paragraph (4) the
4 following:

5 "(5) who, being an alien, is illegally or unlawfully
6 in the United States;

7 "(6) who has been discharged from the Armed Forces
8 under dishonorable conditions; or

9 "(7) who, having been a citizen of the United
10 States, has renounced his citizenship.";

11 (6) in subsection (g)--

12 (A) by deleting the words "is under indictment
13 for, or who" in paragraph (1);

14 (B) by deleting in paragraph (3) the word "or"
15 following the semicolon;

16 (C) by inserting after paragraph (4) the
17 following:

18 "(5) who, being an alien, is illegally or unlawfully
19 in the United States;

20 "(6) who has been discharged from the Armed Forces
21 under dishonorable conditions; or

22 "(7) who, having been a citizen of the United
23 States, has renounced his citizenship;"; and

24 (D) by deleting the words "to ship or transport
25 any firearm or ammunition in interstate or foreign
26 commerce" and inserting in lieu thereof the words
27 "to ship or transport in interstate or foreign
28 commerce, or possess in or affecting commerce, any
29 firearm or ammunition; or to receive any firearm or
30 ammunition which has been shipped or transported in
31 interstate or foreign commerce.";

32 (7) in subsection (h)--

33 (A) by inserting after the word "any" and
34 before the word "person" the words "individual who

1 to his knowledge and while being employed by any";

2 (B) by deleting the words "is under indictment
3 for, or who" in paragraph (1);

4 (C) by deleting in paragraph (3) the word "or"
5 following the semicolon;

6 (D) by inserting after paragraph (4) the
7 following:

8 "(5) who, being an alien, is illegally or unlawfully
9 in the United States;

10 "(6) who has been discharged from the Armed Forces
11 under dishonorable conditions; or

12 "(7) who having been a citizen of the United States,
13 has renounced his citizenship;" and

14 (E) by deleting the words "to receive any
15 firearm or ammunition which has been shipped or
16 transported in interstate or foreign commerce" and
17 inserting in lieu thereof the words "in the course
18 of such employment to ship or transport in interstate
19 or foreign commerce, or possess in or affecting
20 commerce, any firearm or ammunition; or to receive
21 any firearm or ammunition which has been shipped or
22 transported in interstate or foreign commerce." and

23 (8) by inserting after subsection (m) a new
24 subsection to read as follows:

25 "(n) It shall be unlawful for any person who is under
26 indictment for a crime punishable by imprisonment for a term
27 exceeding one year to ship or transport in interstate or
28 foreign commerce any firearm or ammunition or receive any
29 firearm or ammunition which has been shipped or transported
30 in interstate or foreign commerce."

31 AMENDMENTS TO SECTION 923

32 Sec. 103. Section 923 of title 18, United States Code, is
33 amended--

34 (1) (A) in subsection (a)--

(1) by deleting the words "No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from the Secretary." and inserting in lieu thereof the words "No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary."; and

(11) by deleting the words "and contain such information", and inserting in lieu thereof the words "and contain only that information necessary to determine eligibility for licensing.";

(2) In subsection (a)(3)(B) by deleting the words "or ammunition for firearms other than destructive devices,";

(2) Subsection (b), ^{by deleting} the words "and contain such information" and deleting the words "The fee for such license shall shall by regulation prescribe.".

(c) Subsection (c) is amended by adding the words: "Provided, however, That nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject

only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer. *Provided further,* That if any firearm is so disposed of by a licensee within one year of its transfer from his business inventory into his personal collection or if such disposition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of his business inventory."

(3) in subsection (e) by inserting before the word "violated" the word "willfully";

(4) in subsection (f)--

(A) by inserting the words "de novo" before the word "judicial" in paragraph (3);

(B) by adding the words "whether or not such evidence was considered at the hearing held under paragraph (2)." after the words "to the proceeding" in paragraph (3); and

(C) by inserting at the end thereof the following new paragraph:

"(4) If criminal proceedings are instituted against a licensee alleging violations of this chapter or regulations

*Language
written*

1 promulgated thereunder, and the licensee is acquitted of such
 2 charges, or such proceedings are terminated, other than upon
 3 motion of the Government prior to trial upon such charges,
 4 the Secretary shall be absolutely barred from denying or
 5 revoking any license granted under the provisions of this
 6 chapter where such denial or revocation is based in whole or
 7 in part on the facts which form the basis of such criminal
 8 charges. No proceedings for the revocation of a license shall
 9 be instituted by the Secretary more than one year after the
 10 filing of the indictment or information.";

11 (5) by amending subsection (g) to read as follows:

12 "(g)(1) Each licensed importer, licensed manufacturer,
 13 and licensed dealer, shall maintain such records of
 14 importation, production, shipment, receipt, sale, or other
 15 disposition, of firearms at his place of business for such
 16 period, and in such form, as the Secretary may by regulations
 17 prescribe. ~~Such importers, manufacturers and dealers shall~~
 18 ~~not be required to submit to the Secretary reports and~~
 19 ~~information with respect to such records and the contents~~
 20 ~~thereof; provided, however, that the Secretary shall~~
 21 ~~promulgate regulations requiring that records of multiple~~
 22 ~~or licensees ceasing to engage in the business of buying or selling~~
 23 ~~firearms or ammunition be deposited with the Secretary, subject to~~
 24 ~~such requirements of confidentiality applicable to~~
 25 ~~personal records of a comparable nature, and~~
 26 ~~provided further that such records shall be destroyed~~
 27 ~~not later than 15 years after the date of deposit~~
 28 ~~of such records.~~ The Secretary, when he has reasonable
 29 cause to believe a violation of this law has occurred, and
 30 that evidence thereof may be found on such premises may, upon
 31 demonstrating such cause before a Federal magistrate, and
 32 securing from him a warrant authorizing entry, enter during
 33 business hours the premises (including places of storage) of
 34 any licensed firearms importer, licensed manufacturer,
 licensed dealer, ~~licensed collector~~ or any licensed importer
 or manufacturer of ammunition, for the purposes of inspecting
 or examining (1) any records or documents required to be kept
 by such licensed importer, licensed manufacturer, ^{or} licensed
 dealer, ~~or licensed collector~~ under the provisions of this

P. 14
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 provided
 further
 that such
 records shall
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 not later
 than 15
 years after
 the date
 of deposit

1 chapter or regulations issued under this chapter, and (2) any
2 firearms or ammunition kept or stored by such licensed
3 importer, licensed manufacturer, ^{or} licensed dealer, ~~or licensed~~
4 ~~collector~~, at such premises. The Secretary may inspect the
5 inventory and records of a licensed importer, licensed
6 manufacturer, or licensed dealer without such cause or
7 warrant, (A) for a reasonable inquiry during the course of a
8 criminal investigation of a person or persons other than the
9 licensee; or (B) no more than once in any twelve consecutive
10 months, upon reasonable notice, but no criminal charges shall
11 be brought against the licensee based upon such inspection
12 except for willful violations of the recordkeeping
13 ~~requirements of this chapter or sales or other dispositions~~
14 ~~of firearms~~ to prohibited persons; or (C) when such
15 inspections or inquiries may be required for determining the
16 disposition of one or more particular firearms in the course
17 of a bona fide criminal investigation. The Secretary may
18 inspect the inventory and records of a licensed collector
19 without such reasonable cause or warrant no more than once in
20 any twelve consecutive month period, upon reasonable notice,
21 but no criminal charges shall be brought against such
22 licensee based upon such inspection except for willful
23 ~~violations of the recordkeeping requirements of this chapter~~
24 ~~or sales or other dispositions of firearms~~ to prohibited
25 persons. Such procedure shall not be construed as authorizing
26 the Secretary to seize any records or other documents other
27 than those records or documents constituting material
28 evidence of a violation of law. If the Secretary seizes such
29 records or documents, copies shall be provided the licensee
30 within a reasonable time. The Secretary may make available to
31 any Federal, State, or local law enforcement agency any
32 information which he may obtain by reason of the provisions
33 of this chapter with respect to the identification of persons
34 prohibited from purchasing or receiving firearms or

P. 14

1 ammunition who have purchased or received firearms or
 2 ammunition, together with a description of such firearms or
 3 ammunition and he may provide information to the extent such
 4 information may be contained in the records required to be
 5 maintained by the provisions of this chapter, when so
 6 requested by any Federal, State, or local law enforcement
 7 agency.

8 "(2) Each licensed collector shall maintain in a bound
 9 volume the nature of which the Secretary may by regulations
 10 prescribe, records of the receipt, sale, or other
 11 disposition, of firearms. Such records shall include the name
 12 and addresses of any person to whom the collector sells or

13 otherwise disposes of a firearm. *Such collector shall not be*
 14 *required to submit to the Secretary reports and information*
 15 *with respect to such records and the contents thereof, provided*
 16 *however that nothing in this paragraph shall be construed to*
 17 *limit the ability of the Administrator of the General Services Administration*
 18 *to promulgate rules and regulations pursuant to paragraph*
 19 *(g)(1) of this section. "*; and

20 (6) by amending subsection (j) to read as follows:

21 "(j) A licensed importer, licensed manufacturer, or
 22 licensed dealer may, under regulations prescribed by the
 23 Secretary, conduct business temporarily at a location other
 24 than the location specified on the license if such other
 25 location is in the State which is specified on the license.
 26 Records of receipt and disposition of firearms transactions
 27 conducted at such temporary location shall include the
 28 location of the sale or other disposition and shall be
 29 entered in the permanent records of the licensee and retained
 30 on the location specified on the license. Nothing in this
 31 subsection shall authorize any licensee to conduct business
 32 in or from any motorized or towed vehicle. Notwithstanding
 33 the provisions of subsection (a) of this section, a separate
 34 fee shall not be required of a licensee with respect to

1 business conducted under this subsection. Except for records
 2 directly related to receipts, sales, or other dispositions of
 3 firearms made at the temporary premises within the period of
 4 time the licensed importer, licensed manufacturer, or
 5 licensed dealer conducted the business of which such
 6 receipts, sales, or other dispositions were a part, nothing
 7 in this subsection shall be construed to authorize the
 8 Secretary to inspect or examine the inventory or records of a
 9 licensed importer, licensed manufacturer, or licensed dealer
 10 at any location other than the location specified on the
 11 license.

Nothing contained in this subsection shall be construed to diminish in any manner any right to display, or otherwise dispose of firearms or ammunition which is in effect as of the effective date of this subsection.

AMENDMENTS TO SECTION 924

Sec. 124. Section 924 of title 18, United States Code, is amended--

(1) by amending subsection (a) to read as follows:

“(a) Whoever--

“(1) knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter;

“(2) knowingly violates subsections (a) (4), (3) (6), (f), (g), (h), (i), (j), or (k) of section 922;

“(3) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922^(a)(1);

“(4) knowingly violates any provision of this section; or

“(5) willfully violates any other provision of this chapter,

shall be fined not more than \$5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.”.

~~(2) by amending subsection (c) to read as follows:~~

~~“(c) (1) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for a term of five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for a term of ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein.”~~

REPEALED

~~“(2) For purposes of this subsection the term ‘crime of violence’ means an offense that is a felony and—~~

~~“(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or~~

~~“(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”~~

~~(3) by amending subsection (d) to read as follows:~~

~~“(d)(1) Any firearm or ammunition involved in or used~~
~~or where there is clear and convincing evidence that it is~~
~~intended to be used in any knowing violation of subsections~~
~~(a) (4), (a) (6), (f), (g), (h), (i), (j), or (k) of section~~

Permitted

↓
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34

(C) (1) Whoever (A) uses any firearm or destructive device against the person of another to commit a crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, or (B) carries a firearm or destructive device unlawfully to commit a crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such a crime of violence, as enhanced, be sentenced to a term of imprisonment of five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment imposed for the crime of violence in

which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein; Provided, that no person shall be sentenced under this subsection if he established to the satisfaction of the court that the use of the firearm or destructive device was to protect his person or the person of another from ~~an honestly~~ ^{the good faith} ~~perceived~~ ^{perception of} immediate danger other than danger which was the direct result of the commission of or attempt to commit a felony by either such person, or was honestly perceived in defense of his person, or the person of another or the property of either from conduct constituting a felony, or was honestly effecting the arrest of a person in immediate flight from said felony.

- (2) For the purpose of this subsection the term "crime of violence"
- (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
 - (B) by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

ADD AT END OF
924 (a)

"For purposes of this section, "knowingly" means with actual cognizance of each fact necessary to establish an element of the offense. For purposes of this section, "willfully" means with actual cognizance of the existence and nature of the law and of each fact necessary to establish an element of the offense."

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seized, other than seizure pursuant

Provided, That ^{each} such firearm or ammunition shall be seized and maintained during a
 the period of seizure in such a manner as to preserve it in the condition and
 value which existed at the time of the seizure; and Provided, further, That
 upon acquittal of the owner or possessor, or dismissal of the charges against
 him other than upon motion of the Government prior to trial, the seized firearms
 or ammunition shall be returned forthwith in the same condition in which they
 were seized to the owner or possessor or to a person delegated by the owner
 or possessor unless the return of the firearms or ammunition would place the
 owner or possessor or his delegate in violation of law. Any action or
 proceeding for the forfeiture of firearms or ammunition shall be commenced
 within one hundred and twenty days after such seizure.

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1 922, or knowing importation or bringing into the United
 2 States or any possession thereof any firearm or ammunition in
 3 violation of section 922 (1), or knowing violation of section
 4 924, or willful violation of any other provision of this
 5 chapter or any rule or regulation promulgated thereunder, or
 6 any violation of any other criminal law of the United States,
 7 shall be subject to seizure and forfeiture, and all
 8 provisions of the Internal Revenue Code of 1954 relating to
 9 the seizure, forfeiture, and disposition of firearms, as
 10 defined in section 5845(a) of that Code, shall, so far as
 11 applicable, extend to seizures and forfeitures under the
 12 provisions of this chapter: Provided, That upon acquittal of
 13 the owner or possessor, or dismissal of the charges against
 14 him other than upon motion of the Government prior to trial,
 15 the seized firearms or ammunition shall be returned forthwith
 16 to the owner or possessor or to a person delegated by the
 17 owner or possessor unless the return of the firearms or
 18 ammunition would place the owner or possessor or his delegate
 19 in violation of law. Any action or proceeding for the
 20 forfeiture of firearms or ammunition shall be commenced
 21 within one hundred and twenty days after such seizure.

22 "(2)(A) In any action or proceeding for the return of
 23 firearms or ammunition seized under the provisions of this
 24 chapter, the court shall allow the prevailing party, other
 25 than the United States, a reasonable attorney's fee, and the
 26 United States shall be liable therefor.

27 "(B) In any other action or proceeding under the
 28 provisions of this chapter, the court, when it finds that
 29 such action was without foundation, or was initiated
 30 vexatiously, frivolously, or in bad faith, shall allow the
 31 prevailing party, other than the United States, a reasonable
 32 attorney's fee, and the United States shall be liable
 33 therefor.

34 "(C) Only those firearms or quantities of ammunition

*on where the
 in clear and
 convincing that
 evidence is intended
 to be used
 of a violation
 section 351
 844(i) 956, 958
 111, 114, 116(4)
 1751, or 1962
 title 18, United
 States Code)*

1 particularly named and individually identified as involved in
 2 or used ~~or where there is clear and convincing evidence that~~
 3 ~~they are intended to be used,~~ in any violation of the
 4 provisions of this chapter or any rule or regulation issued
 5 thereunder, or any other criminal law of the United States,
 6 shall be subject to seizure, forfeiture, and disposition."

7 AMENDMENTS TO SECTION 925

8 Sec. 105. Section 925 of title 18, United States Code, is
9 amended--

10 (1) in subsection (c)--

11 (A) by deleting the words "has been convicted of
 12 a crime punishable by imprisonment for a term
 13 exceeding one year (other than a crime involving the
 14 use of a firearm or other weapon or a violation of
 15 this chapter or of the National Firearms Act)" and
 16 inserting in lieu thereof the words "is prohibited
 17 from possessing, shipping, transporting, or receiving
 18 firearms or ammunition";

19 (B) by inserting the word "transportation"
 20 after the word "shipment";

21 (C) by deleting the words "and incurred by
 22 reason of such conviction,"; and

23 (D) by adding after the words "the public
 24 interest." the words "any person whose application
 25 for relief from disabilities is denied by the
 26 Secretary may file a petition with the United States
 27 district court for the district in which he resides
 28 for a judicial review of such denial. In a proceeding
 29 conducted under this subsection, the scope of
 30 judicial review shall be governed by section 706 of
 31 title 5, United States Code. The court may in its
 32 discretion admit additional evidence where failure to
 33 do so would result in a miscarriage of justice.";

34 and

or where there is clear and convincing evidence they are intended to be used in violation of section 351, 1111, or 1751 of title 18, United States Code

844(C) 94-958-60 (11/16/84)

1 (2) in subsection (c)--

2 (A) by deleting the words "may authorize" and
3 inserting in lieu thereof the words "shall
4 authorize";

5 (B) by deleting the words "the person importing
6 or bringing in the firearm or ammunition establishes
7 to the satisfaction of the Secretary that"; and

8 (C) by deleting in paragraph (3) the words
9 "generally recognized as particularly"; and

10 (D) by deleting the words "may permit" and
11 inserting in lieu thereof the words "shall permit".

12 AMENDMENTS TO SECTION 926

13 Sec. 106. Section 926 of title 18, United States Code, is
14 amended by--

15 (1) inserting "(a)" before "The Secretary" the
16 first place it appears;

17 (2) inserting the word "only" after the word
18 "prescribe";

19 (3) deleting the words "as he deems reasonable" and
20 inserting in lieu thereof the words "as are";

21 (4) deleting the words "The Secretary shall give
22 reasonable public notice, and afford interested parties
23 opportunity for hearing, prior to prescribing such rules
24 and regulations" and inserting in lieu thereof the
25 words: "Provided, That no such rule or regulation
26 promulgated after the effective date of this Act may
27 require that records required to be maintained under this
28 chapter or any portion of the contents of such records,
29 be recorded at or transferred to a facility owned,
30 managed, or controlled by the United States or any State
31 or any political subdivision thereof, nor that any
32 ~~any~~ system or registration of firearms, firearms
33 owners, or firearms transactions or dispositions be
34 established: Provided further, That nothing in this

1 section shall be deemed to expand or restrict the
 2 Secretary's authority to inquire into the disposition of
 3 one or more firearms pursuant to a criminal
 4 investigation."";)and

5 (5) inserting at the end thereof the following:

6 "(b) The Secretary shall give not less than ninety days
 7 public notice, and shall afford interested parties
 8 opportunity for hearing, prior to prescribing such rules and
 9 regulations.

10 "(c) The Secretary shall not prescribe regulations that
 11 require purchasers of black powder under the exemption
 12 provided in section 845(a)(5) of title 18, United States
 13 Code, to complete affidavits or forms attesting to that
 14 exemption."".

15 AMENDMENTS TO SECTION 927

16 Sec. 127. Section 927 of title 18, United States Code, is
 17 amended by inserting before the period at the end thereof the
 18 following: "": Provided, however, That any provision of any
 19 legislation enacted, or of any rule or regulation
 20 promulgated, by any State or a political subdivision which
 21 prohibits or has the effect of prohibiting the transportation
 22 of a firearm or ammunition in interstate commerce through
 23 such State, when such firearm is unloaded and not readily
 24 accessible, shall be null and void."".

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25 EFFECTIVE DATE

26 ~~Sec. 108. (a) The amendment made by section 102 (4) (B)~~
 27 ~~of this Act shall become effective in the respective States~~
 28 ~~one year after the effective date of this Act or upon the~~
 29 ~~expiration of that State, the date of the enactment of this Act.~~
 30 ~~Sec. 108. The amendments (including any~~ legislature in
 31 ~~last occurs. At that time the Secretary shall publish and~~ ever event
 32 ~~provide to all licensees a compilation of the State laws and~~
 33 ~~published ordinances of which licensees are presumed to have~~
 34 ~~knowledge of pursuant to this chapter. All amendments to such~~

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1 state laws and published ordinances as contained in the
 2 aforementioned compilation shall be published in the Federal
 3 Register, revised annually, and furnished to each person
 4 licensed under this chapter. All other amendments (including
 5 any repeals) made by this Act shall become effective one
 6 hundred and eighty days after the date of enactment of this
 7 Act.

Handwritten notes: "CUP" and "REPEAL" with arrows pointing to the text.

8 (b) The provisions of sections 103 (4) (C), 104 (2), 105
 9 and 107 of this Act shall be applicable to any action,
 10 petition, or appellate proceeding pending on the effective
 11 date of this Act. The amendments (including repeals)
 12 contained in sections 103 (5) and 106 of this Act shall not
 13 affect regulations contained in 27 CFR 178.125, 178.125a and
 14 178.127 as of the effective date of this Act except that such
 15 regulations shall not be deemed to authorize the
 16 establishment of any centralized or regional system of
 17 registration of firearm or firearms owners. In considering
 18 any petitions for Presidential pardons submitted by persons
 19 convicted of violations of chapter 44 of title 18, United
 20 States Code, prior to the effective date of this Act, the
 21 Congress recommends that consideration be given to whether
 22 the violation would have been punishable under this Act, and
 23 to the purposes and findings contained in the preamble
 24 thereto.

Handwritten note: "B.D." in a box.

25 TITLE II--AMENDMENTS TO TITLE VII OF THE OMNIBUS CRIME
 26 CONTROL AND SAFE STREETS ACT OF 1968

27 Sec. 201. Title VII of the Omnibus Crime Control and Safe
 28 Streets Act of 1968 (sections 1201, 1202, and 1203 of the
 29 appendix to title 18, United States Code) is hereby repealed.

30 REPEALER

31 Sec. 202. Section 922 (b) (3) of title 18, United States
 32 Code, is amended by--

- 33 (1) inserting "and" before "(B)";
- 34 (2) striking out ", and" in clause (B) and

Handwritten note: "M-V refer (b)(3)" with a bracket pointing to the list items.

- 1 inserting in lieu thereof a semicolon; and
- 2 (3) repealing clause (C).