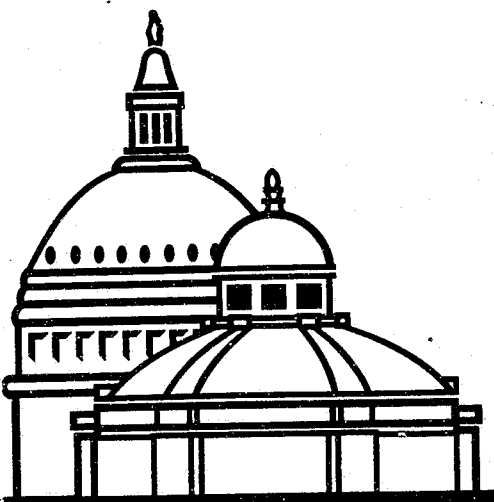
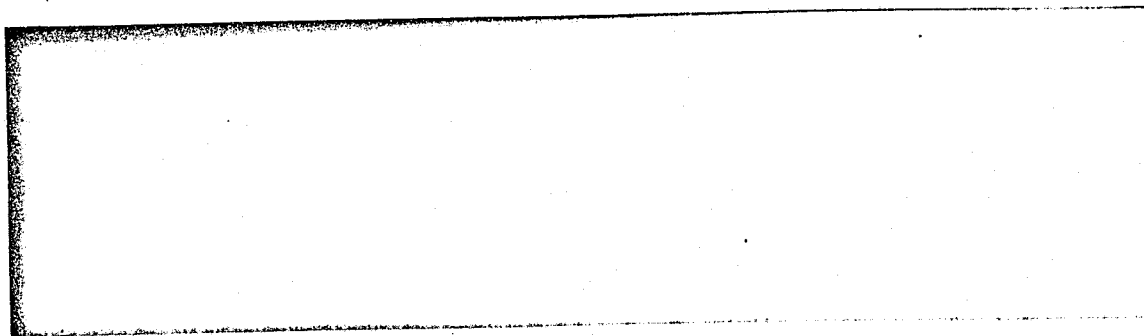


148166



CRS Info Pack

Congressional Research Service • The Library of Congress



Gun Control IP 51G

The national debate on the Federal role in gun control began in the 1920s. Over the years, in the 1930s, 1968, and 1986, Congress passed several Federal statutes and amendments, designed to reduce the availability of guns to criminals, to disclose to the Government the ownership of lethal guns, and to limit the mail order trade in firearms. **Then, on November 30, 1993, the Brady Handgun Violence Prevention Act, requiring would-be gun buyers to wait five business days before purchasing a handgun, was signed into law (Public Law 103-159).**

In response to numerous requests for information on gun control, we have compiled this packet of information which focuses on the issue at the Federal level. Information on State and local firearms laws may be obtained from State and local officials. Contact the relevant Secretary of State (list included) or use the blue pages in the telephone book to determine the relevant office.

The Bureau of Alcohol, Tobacco and Firearms (BATF) in the Department of the Treasury periodically publishes two books on firearms control. *Your Guide to Federal Firearms Regulation, 1988-1989* and *State Laws and Published Ordinances: Firearms*, 19th edition, 1989, are the current versions, but they are both out of stock at the U.S. Government Printing Office (GPO). They are available to congressional offices through the BATF congressional liaison, and may also be perused at a Federal depository library or large research library.

Congressional offices needing detailed information on "assault weapons" may order the 79-page CRS Report 92-434 GOV, "Assault Weapons: Military-Style Semiautomatic Firearms Facts and Issues," by contacting CRS at 7-5700. Additional CRS reports may be identified by looking in the current *Guide to CRS Products* (for congressional use only) and in the latest *Update* under "Criminal justice." Constituents may find additional information on this topic in a local library through the use of *Readers' Guide to Periodical Literature*, Public Affairs Information Service *Bulletin* (PAIS), and various newspaper indexes.

We hope this information will be helpful.

Congressional Reference
Division

148166

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by
CRS/The Library of Congress

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

CRS Report for Congress

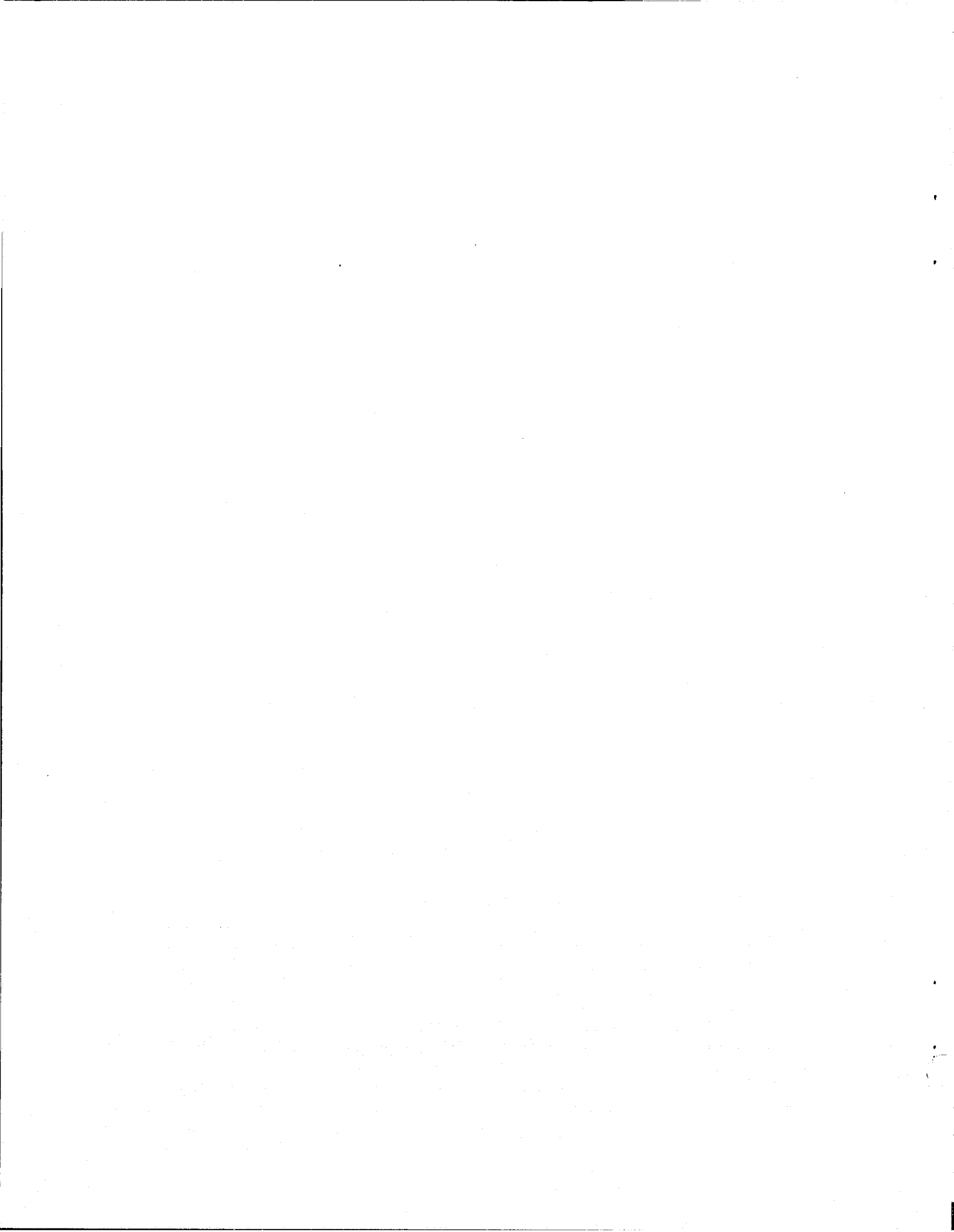
Brady Handgun Violence Prevention Act

Harry L. Hogan
Specialist in American National Government

Keith Bea
Analyst, American National Government
Government Division

January 6, 1994





BRADY HANDGUN VIOLENCE PREVENTION ACT

SUMMARY

The "Brady Bill" was approved by the 103rd Congress in the last hours of the first session and signed by President Clinton into law on November 30, 1993. Much of the Brady Act (P.L. 103-159/H.R. 1025) is similar to the "Brady" subtitle of the omnibus crime control bill developed during the 102nd Congress (H.R. 3371), the conference agreement on which was approved by the House (but not by the Senate) in 1991.

H.R. 1025 was the latest in a series of "Brady Bills," the first being introduced in the 100th Congress. The name refers to James Brady, the Reagan Administration Press Secretary who was permanently disabled by a gunshot wound sustained during an attempted assassination of the President. It also recognizes the efforts of his wife Sarah, an official of Handgun Control, Inc., to promote the proposal.

As amended, the Act establishes new restrictions on commercial (retail) firearm sales, to be applied in two phases. Phase I would require a waiting period for handgun purchase from Federally licensed dealers, manufacturers or importers (licensees), giving local law enforcement officials the opportunity to conduct a criminal record check on the prospective buyer. Phase I will terminate after five years. Before Phase I is terminated, the Attorney General must establish a nationwide instant check system for point-of-purchase screening of the buyer of *any* firearm from a licensee (Phase II). During Phase II, if information needed to process the transaction at the point of purchase is unavailable, the prospective purchaser will have to wait three days for the firearm. Phase II is a permanent provision. Transactions between non-licensed individuals are not affected by the Act.

The national instant check system comprising Phase II requires improvement of State criminal record systems. The Brady Act establishes a new program of grants (\$200 million authorized until expended) to the States for this purpose. The instant check system may not be used as or in a registration system to identify firearm transactions or owners, except for those prohibited from taking part in such transactions (felons, narcotic addicts, and others considered a risk to society). Also, State and local law enforcement agencies are prohibited from disclosing the information and must certify that forms and records have been destroyed (except information pertaining to disqualified persons).

In addition to provisions related to the investigation of potential firearm buyers, the Act amends current law regarding interstate and foreign commerce of firearms, and theft, and increases the fees for licensed dealers to \$200 for three years. Renewal of a valid license will cost \$90 for three years.

TABLE OF CONTENTS

SUMMARY OF PROVISIONS	1
Phase I: Waiting Period/Background Check by Local Law	
Enforcement	1
Requirements for Licensees	2
Requirements for Law Enforcement Agencies	2
Exemptions	3
Liability and Penalties	3
Phase II: National Instant Check System	4
Requirements for the Attorney General	4
Requirements for Licensees	5
Exemptions	6
Penalties for Non-compliance	6
Licensees	6
Purchasers	6
Authorizations	6
Restrictions	6
Liability Protection for Government Employees	7
Other Provisions	7
RECENT LEGISLATIVE ACTION	8
102nd Congress	8
103rd Congress	8
SUMMARY OF ISSUES	9
Overview	9
Phase I and Phase II Distinctions	10
CHRONOLOGY OF LEGISLATIVE EVENTS: 1987-1993	11

BRADY HANDGUN VIOLENCE PREVENTION ACT

First introduced in the 100th Congress, the "Brady Bill" was enacted in modified form in the closing days of the 103rd Congress. The Brady Handgun Violence Prevention Act (the Brady Act) will take effect in two phases, both restricting commercial firearms sales. Phase I of the Brady Act¹ requires that Federal firearm licensees transmit information that identifies the potential purchaser of a handgun to the chief law enforcement officer of the area in which the prospective purchaser resides. The law enforcement officer must "make a reasonable effort" to determine whether the purchase would violate applicable laws, and must notify the seller within five business days if the sale should not proceed.² Phase I will terminate five years from enactment, on November 29, 1998. Phase II³ is a permanent provision requiring that Federal licensees use the instant check system, to be established by the Attorney General before Phase I terminates, before transferring any firearm. A summary of the provisions pertinent to both phases follows.

SUMMARY OF PROVISIONS

Phase I: Waiting Period/Background Check by Local Law Enforcement

Phase I applies to sales or other transfers of handguns by a licensed firearms dealer, manufacturer, or importer, (licensee) made to a non-licensee. "Handgun" is defined as—

- (1) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and
- (2) any combination of parts from which such a gun can be assembled.

The background check requirements of Phase I are effective February 28, 1994, and will terminate November 29, 1998.

¹P.L. 103-159/H.R. 1025, Section 102(a), "Interim Provision," 18 U.S.C. 922(s). As of the date of this report the public law was not printed. The text of the conference report, House Report 103-412, was used to prepare this report.

²The Act defines "business days" as those days on which State offices are open. Section 102(a), 18 U.S.C. 922(s)(1)(A)(ii)(I).

³Section 102(b), "Permanent Provision," 18 U.S.C. 922(t).

Requirements for Licensees

Phase I of the bill would require a firearms licensee, prior to transferring a handgun, to do the following:⁴

- (1) obtain a statement from the prospective buyer that includes the name, address, date of birth, and an affidavit to the effect that he is not a person prohibited under Federal law [18 U.S.C. 922(g)] from receiving a firearm, the date of the statement, and intention to purchase a handgun;
- (2) verify buyer ID through a "valid identification document [as defined in 18 U.S.C. 1028(d)(1)] containing a photograph;"
- (3) within 1 day after receiving the above statement, provide notice of and transmit a copy of the statement to the chief law enforcement officer of the area in which the buyer's residence is located.

To complete the sale, the licensee would have to wait until either (1) five business days have elapsed from the date the buyer furnished the statement and the licensee has not received word from the law enforcement agency that receipt or possession by the buyer would be in violation of Federal, State, or local law, or (2) the licensee has received positive word within the five day period that no such violation would thereby be committed.

If, after the transaction is made, the licensee receives notice that possession of the gun by the purchaser violates Federal, State or local laws, the licensee must, within one business day of such notice, transmit information about the purchase to appropriate law enforcement agencies. Licensees are prohibited from sharing information related to the transaction with anyone other than the purchaser, law enforcement agencies, "or pursuant to the direction of a court of law." Records pertinent to the transaction must be kept by the licensee, apparently indefinitely.⁵

Requirements for Law Enforcement Agencies

The chief law enforcement officer receiving the statement from the licensee must "make a reasonable effort" to determine, within five business days, whether the transaction violates applicable laws.⁶ If the transfer is disallowed and the prospective purchaser requests the reason, the officer must respond in writing to the requester on the matter within twenty business days after the request is received.⁷ If the transaction would not violate applicable laws, the law

⁴18 U.S.C. 922(s)(1)(A)

⁵18 U.S.C. 922(s)(4),(5),(6)(A)

⁶18 U.S.C. 922(s)(2)

⁷18 U.S.C. 922(s)(6)(C)

enforcement official to whom notice of a prospective gun purchase is sent must—within 20 days after the date of the buyer's statement—destroy the copy of the statement sent to him and any record containing information derived from the statement. The officer is prohibited from conveying such information to anyone, "except a person who has a need to know in order to carry out this subsection," and can only use this information to carry out the provisions of the Act.⁸

Exemptions

Transactions involving the following circumstances are exempted from the background check requirements discussed above:⁹

- (1) the prospective purchaser presents the licensee with a written statement issued—within the preceding 10 days—by the chief law enforcement officer in his or her area of residence indicating that a handgun is needed because of threats to life to household members (including the purchaser);
- (2) the prospective purchaser presents the licensee with a permit, issued within the preceding 5 years by the State in which the transfer is to take place, that allows possession of a handgun—provided that the State law requires a background check to ascertain whether a law would be violated by such possession;
- (3) the State in which the transfer is to take place has a requirement that prior to licensee transfer of a handgun, an authorized government official verify that available information does not indicate that possession of a handgun by the transferee would be in violation of law (States with instant check systems are thereby exempted);
- (4) compliance is impracticable because of the dealer's inability to communicate with the appropriate law enforcement official as a result of the dealer's remote location and the absence of telecommunication facilities;
- (5) the Secretary of the Treasury has approved the transfer under the National Firearms Act.

Liability and Penalties

Law enforcement officers or others providing the background information on a prospective purchaser are not liable for damages for preventing, or failing

⁸18 U.S.C. 922(s)(6)(B)

⁹18 U.S.C. 922(s)(1)(B)-(F)

to prevent, the transfer.¹⁰ Anyone who knowingly violates the requirements will be fined up to \$1,000, imprisoned for no more than one year, or both.¹¹

Phase II: National Instant Check System

By the time Phase I terminates in five years, the Attorney General must have established a nationwide instant background check system. At that time, licensees must use the system before transferring any firearm to a non-licensee. Development of the system requires specification by the Attorney General of hardware and software components and of the deadline each State must meet. The Act places time constraints on the States and the Attorney General, but does not include timetables or sanctions contained in earlier versions of the legislation. Summary information on Phase II follows.

Requirements for the Attorney General

Within 6 months of enactment (May 28, 1994), the Attorney General must do the following:

- (1) determine the type of computer hardware and software that will be used to operate the national check system and the means by which State criminal records systems will communicate with the national system;
- (2) study the criminal records system of each State and determine for each State a timetable by which its criminal records should be provided on-line to the national system; and
- (3) notify each State of these findings.¹²

In addition, the Attorney General must expedite (no timetable established) the upgrading and indexing of State criminal history records in the records system maintained by the Federal Bureau of Investigation (FBI), the development of hardware and software systems to link the State and national systems, and the improvement of the FBI's initiatives regarding "technologically advanced fingerprint and criminal records identification."¹³

By November 1998, 5 years after enactment, the Attorney General must establish the instant background check system, employ personnel, and notify licensees and law enforcement officials with regard to the use of the system. In

¹⁰18 U.S.C. 922(s)(7). However, see "Liability Protection for Government Employees," below.

¹¹Section 102(c), 18 U.S.C. 924(a)(5)

¹²Section 103(a)

¹³Section 103(c)

addition, regulations regarding the privacy and security aspects of the system must be published (no timetable specified).¹⁴

If a transfer is prohibited and the prospective purchaser requests information on the reasons why the purchase was disallowed, "the system" must provide the reasons in writing within five business days. In addition, if a purchaser who is denied a firearm requests information on the reason for the denial, the Attorney General must "immediately comply" with the request and, if records are incorrect, make appropriate changes.¹⁵

Also, the Attorney General must provide grants to the States for the improvement of criminal history record systems. States with the lowest percent currency of case dispositions have preference for such grants. A total of \$200 million is authorized to be annually appropriated for such grants (beginning in fiscal year 1994). These funds may be appropriated from the Violent Crime Reduction Trust Fund to be established by S. 1607, the Violent Crime Control and Law Enforcement Act of 1993, the text of which was approved by the Senate November 18, 1993 and inserted in-lieu of the House-passed version of H.R. 3355 on November 19.¹⁶

Requirements for Licensees

Once Phase II is in force, a dealer (or other Federal licensee) may not transfer any firearm to a non-licensee unless

- (1) the national instant criminal background check system is used;
- (2) staff operating the system notifies the dealer that a record has been located to indicate that the transfer would be in violation of Federal prohibitions of receipt or possession of a firearm by specified high-risk individuals [18 U.S.C. 922(g) and (n)]; and
- (3) the dealer has attempted to verify the identity of the transferee by examining a valid identification document containing a photograph of the transferee.

If the national background check system clears the transfer, a unique identification number will be supplied to the dealer and will be included in the record of the sale. All information pertaining to the request must be destroyed, with the exception of the identification number of the transaction and the date

¹⁴Section 103(b),(d),(e)(2),(h)

¹⁵Section 103(f),(g)

¹⁶Section 106(b)

of sale. Also, the licensee may proceed with the sale if three business days pass and the system does not respond to the licensee's request for information.¹⁷

Exemptions

As in Phase I, the instant check requirements may be waived under specified circumstances. See paragraphs (2), (4), and (5) under "Exemptions," above.¹⁸

Penalties for Non-compliance

Licensees. Any licensee who knowingly violates the general provisions is subject to imprisonment for no more than one year, a fine of up to \$1,000, or both. Also, the knowing transfer of a firearm by a licensee to a disqualified person could result in revocation of a license or its suspension for up to 6 months and a fine of up to \$5,000.¹⁹

Purchasers. As in Phase I, any purchaser who knowingly violates the general provisions is subject to a fine of up to \$1,000, imprisonment for no more than one year, or both.²⁰

Authorizations

The Act authorizes "such sums as are necessary" for the Attorney General to establish the system. Funds may be appropriated from the Violent Crime Reduction Trust Fund noted above.²¹

Restrictions

Information in the instant check system cannot be transferred or used to establish a registration system, except with regard to disqualified purchasers.²²

¹⁷18 U.S.C. 922(t)(1)(2)

¹⁸18 U.S.C. 922(t)(3)

¹⁹18 U.S.C. 922(t)(5), 924(a)(5)

²⁰Section 102(c), 18 U.S.C. 924(a)(5)

²¹Section 103(k)

²²Section 103(i)

Also, existing Federal privacy rights regarding information and records on individuals (5 U.S.C. 552a) are explicitly protected.²³

Liability Protection for Government Employees

The bill specifies that a Federal, State, or local government employee responsible for providing information to the national system would not be liable in an action at law for damages—

(A) for failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of it is unlawful; or

(B) for preventing such sale or transfer to a person who may lawfully receive or possess a handgun.²⁴

Note, however, that the "Remedy for Erroneous Denial of Firearm" provision permits a prospective purchaser denied a firearm to take action subsequently against the responsible unit of government. The provision also permits the court in such an action to allow reasonable attorney's fees to the prevailing party.²⁵

Other Provisions

Titles II and III of the Brady Act include other amendments to the Gun Control Act (18 U.S.C. Chapter 44). Title II requires licensees to transmit information on multiple handgun sales to State or local law enforcement agencies; the same information now must be transmitted to the Department of the Treasury. Also, provisions concerning licensees are amended to prohibit the disclosure of information on any approved purchases and to require the destruction of any forms or information within twenty days. In addition, every six months law enforcement agencies must certify that the requirements regarding privacy and destruction of information have been met.²⁶

Title III prohibits labeling of packages containing firearms, requires written receipt of delivery of firearms, and adds a firearm theft provision (with a savings clause regarding State laws). In addition, application fees increase for licensed dealers of firearms, from \$25 annually for pawnbrokers and \$10 for others, to

²³Section 105

²⁴18 U.S.C. (t)(6)

²⁵Section 104(a), 18 U.S.C. 925A

²⁶Section 201, 18 U.S.C. 923(g)(3)

\$200 for three years for all such licensees, with renewals of valid licenses costing \$90 for three years.²⁷

RECENT LEGISLATIVE ACTION

102nd Congress

The "Brady Bill" of the 102nd Congress was introduced as H.R. 7 in the House (January 3, 1991) and S. 257 in the Senate (January 23, 1991). The House bill was sponsored by Representative Edward F. Feighan, and the Senate bill by Senator Howard M. Metzenbaum. The bills were referred to the House and Senate Committees on the Judiciary, respectively. H.R. 7 was passed by the House, in essentially unmodified form, on May 8, 1991, and subsequently included in the omnibus crime control bill (H.R. 3371) as passed by the House on October 22, 1991.

The Senate, by comparison, included a compromise version of the Brady bill in its omnibus crime legislation (Title XXVII of S. 1241). This version included the two phase approach ultimately approved by the 103rd Congress. The conference version of H.R. 3371 included the Senate compromise. The conference report was approved by the House but not by the Senate before adjournment.

103rd Congress

The Brady Bill moved through the full House and the Senate in the month of November, 1993. The House approved H.R. 1025 on November 10, the same day the committee report (House Report 103-344) was filed. The next week S. 414 was considered on the floor of the Senate. On Friday, November 19, Senators failed to invoke cloture (57 yeas to 41 nays) and news reports noted that many considered the legislation "dead." The following day, however, debate continued in the Senate and the bill was amended to provide that Phase I would terminate in four years and that the Attorney General would have the discretion to extend it another year. These amendments were adopted under a unanimous consent agreement and the bill was approved. In addition to the "Brady" provisions, the Senate bill included authorization for licensed gun dealers to sell firearms outside their State of residence and modified the definition of an antique firearm to one manufactured before 1919 (currently 1898).

On November 22 (Monday), conferees reported a version of the legislation that omitted some of the Senate amendments (Report 103-412). Later that day, the full House approved the conference report, 238 ayes, 187 nays, and the following day, the Senate began its consideration. On Wednesday, November 24, a compromise was agreed to, whereby the conference version of the bill was approved and a separate bill (S. 1785) to amend the approved legislation would also be considered by the Senate and sent to the House for consideration in the

²⁷Sections 301,302,303

early part of the second session. The separate bill has been placed on the Senate calendar and includes provisions related to U.S. Department of Justice access to mental illness records for firearm purchasers and replacement of the five year term for Phase I with a term of four years, with another year that might be added at the Attorney General's discretion, or upon establishment of the instant check system. The conference version of H.R. 1025 was signed by the President on November 30, 1993.

SUMMARY OF ISSUES

While development of the compromise legislation and enactment of P.L. 103-159 appears to resolve much of the congressional debate with regard to the advantages and disadvantages of the legislation, the discussion in the Senate on the conference report and the introduction of S. 1785 indicate that the matter may be revisited by the Congress.

Overview

Throughout the debate on different versions of the "Brady" legislation, the two alternatives intended to resolve the problem of access to handguns by criminals—establishment of a waiting period and development of an instant check system—have been considered viable options that address a variety of concerns. Proponents of Phase I have raised issues such as the following:

- law enforcement officials should be given the opportunity to investigate criminal justice records or to use other means to determine whether the prospective purchaser poses a known risk to the community;
- impulsive individuals should have to take time to "cool off" so that crimes of passion or suicides dictated by immediate pressures would be prevented;
- in the course of investigating the background of prospective purchasers, law enforcement agencies will be able to locate and apprehend felons.

Opponents of a waiting period counter with the following issue contentions:

- few offenders attempt to obtain handguns from legitimate sources, so law enforcement resources allocated to the background checks will likely be primarily expended on citizens who pose no threat, many of whom need a handgun for self-defense;
- civil liberties might be compromised, intentionally or not, by paperwork requirements and arbitrary decisions by law enforcement officers;

- criminal offenders or persons intent on suicide are not deterred by "cooling off" periods and, if they do not have access to a handgun, will turn to other weapons or means of self-destruction.

Phase I and Phase II Distinctions

Phase II, like Phase I, hinges on background checks of purchasers (of all firearms, not just handguns). As a result, concerns about privacy intrusions and potential violations of the civil rights of private citizens are still applicable to the debate on the instant check system. Because the instant check system does not require a waiting period, however, the "cooling off" issues do not apply.

The two phases of the Brady Act also differ with regard to (1) the involvement of local law enforcement officials, (2) the grounds on which a purchase may be prevented, and (3) the sources of information to be used in making that determination. Generally, a handgun may be transferred by a licensee under Phase I if information available to the law enforcement agency does not indicate that any laws would be violated.²⁸ The Phase I provision does not specify how the background check is to be conducted.²⁹ Under the "Permanent Provision," by comparison, local law enforcement agencies are not mentioned. Phase II generally establishes one source of information—the national instant criminal background check system—to be used by licensees before any firearm is transferred.³⁰ Also, the grounds upon which a

²⁸See proposed subsections: 18 U.S.C. 922(s)(1)(A)(i)(I),(II) [licensee does not receive notice from the agency that the transfer "would be in violation of Federal, State, or local law"]; 18 U.S.C. 922(s)(1)(B) [the waiting period may be by-passed if the law enforcement agency certifies that the handgun is needed by the purchaser for protection]; 18 U.S.C. 922(s)(1)(C) [State issued permit on the belief that possession would not "be in violation of the law"]; 18 U.S.C. 922(s)(1)(D) [if State law requires that "an authorized government official verify that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law"]; 18 U.S.C. 922(s)(2) [the agency "shall make a reasonable effort" to determine within five business days whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General"].

²⁹Note especially proposed subsection 18 U.S.C. 922(s)(2), that requires officers to "make a reasonable effort" to determine whether the transfer would violate "the law, including research in" available systems.

³⁰If the prospective purchaser presents a State issued permit (18 U.S.C. 922(t)(3)), the "instant-check" provisions do not apply. Also, the exemptions regarding approval by the Secretary of the Treasury and regarding remote areas also apply to Phase II transactions.

transaction may be halted are limited to certain violations of the Gun Control Act or State law.³¹

Proponents of the Phase I approach would likely argue that law enforcement officers should have the right to screen handgun (or all firearm) purchases using whatever information sources are legally available. In addition, they might also argue that the decision to stop a requested transfer should not necessarily be constrained by the list of proscribed categories in the Gun Control Act but by a consideration of violations of all Federal, State or local laws. Proponents of Phase II, on the other hand, would likely argue that the right to obtain a firearm, particularly for purposes of self-defense, should not rest on the decisions made by law enforcement officers. Also, they might argue that the proscribed categories in the Gun Control Act are appropriate reasons for disallowing firearm transfers. It also should be noted that some may oppose both Phase I and Phase II approaches on the grounds that possession of a firearm is an immutable right that is best regulated under the current system, or that both the interim and permanent authorities compromise civil liberties.

CHRONOLOGY OF LEGISLATIVE EVENTS: 1987-1993

- 02/04/87** — Representative Edward F. Feighan and Senator Howard M. Metzenbaum introduced the "Handgun Violence Prevention Act" (H.R. 975/S. 466). Some backers of the bill called it the "Sarah Brady Bill", referring to the lobbying efforts of the wife of White House Press Secretary James Brady. Mr. Brady was seriously wounded during the attempted assassination of President Reagan on March 31, 1981.
- 06/16/87** — Hearings on S. 466 (100th Congress) were held by the Senate Subcommittee on the Constitution.
- 11/30/87** — Hearings on H.R. 975 (100th Congress) were held by the House Subcommittee on Crime.
- 06/30/88** — House Judiciary Committee approved (by voice vote) a draft amendment, submitted by Mr. Feighan, with provisions similar to those of H.R. 975, as an amendment to an omnibus drug control bill, adding language to designate it the "Brady Amendment." Prior to the vote approving the amendment, the Committee rejected (22 to 12) a substitute that would have ordered the Attorney General to devise a system to identify felons who seek

³¹The transfer may only proceed if the prospective purchaser is not identified as a member of proscribed categories in 18 U.S.C. 922(g) [felons, fugitives, narcotic addicts, mental defectives, illegal aliens, or those dishonorably discharged from the Armed Forces or who have renounced citizenship], anyone under indictment for a felony [subsection (n)], or in violation of State law. Proposed subsection 18 U.S.C. 922(t)(2).

to purchase handguns. The Brady Amendment incorporated a significant change in the original Feighan bill, eliminating private transfers from the transactions covered by its requirements.

- 08/11/88** — The language of the Brady Amendment was included in the omnibus drug control bill (H.R. 5210, 100th Congress) introduced by the Speaker and the Minority Leader. On the same day the House Rules Committee approved the rule on the bill (H. Res. 521), which allowed floor consideration of two amendments relating to the waiting period provisions: one by Mr. McCollum to substitute a provision directing the Attorney General to develop a felon identification system to be used for checking on a prospective handgun buyer, and the other by Mr. Volkmer—to be offered only if the first one failed—to strike the section.
- 09/15/88** — House voted (228 to 182) to replace the Brady Amendment provisions of H.R. 5210 with the McCollum amendment to require a study of the feasibility of a felon identification system for handgun purchases and a proposal for its implementation.
- 09/22/88** — House passed H.R. 5210, an omnibus drug control bill containing the above-described McCollum amendment.
- 11/18/88** — President signed H.R. 5210, the Anti-Drug Abuse Act of 1988 (P.L. 100-690), containing a number of provisions relating to firearm regulation or to crimes involving firearms (including one requiring the Attorney General to develop and propose to Congress a system accessible to gun dealers that would facilitate the identification of felons who attempt to purchase firearms).
- 01/04/89** — H.R. 467 (101st Congress), the "Brady Handgun Violence Prevention Act," was introduced by Mr. Feighan and 152 cosponsors.
- 04/05/89** — House Subcommittee on Crime began two days of hearings on a number of firearm control bills, including the Brady Bill (H.R. 467). The hearings were principally devoted to proposals for further restrictions on semiautomatic military-style long guns and certain semiautomatic handguns.
- 06/22/89** — Senator Metzenbaum introduced the Brady Bill in the Senate (S. 1236).
- 11/21/89** — Hearings on S. 1236 were held by the Senate Subcommittee on the Constitution.
- 06/26/90** — An amended version of H.R. 467 was approved by the House Subcommittee on Crime and forwarded to the full Judiciary Committee.

- 07/24/90** — H.R. 467, amended, was approved (27 to 9) and ordered to be reported by the House Committee on the Judiciary. A substitute amendment offered by Mr. McCollum was defeated 12-24; it would have required States to spend 5 percent of their Federal anticrime funds to keep criminal justice records and to develop a "point of purchase" verification system allowing gun dealers to make an immediate check on the criminal record of a prospective handgun buyer.
- 09/10/90** — H.R. 467 was reported to the House (H. Rept. 101-691) and placed on Union Calendar No: 431. No further action was taken in the 101st Congress.
- 05/08/91** — H.R. 7, amended, was passed by the House, which defeated a substitute proposal ("Staggers bill") allowing for a point-of-purchase check by the dealer through calling a designated central registry of available criminal records.
- 07/11/91** — An omnibus crime control bill (S. 1241) was passed by the Senate; a title called the Brady Handgun Violence Prevention Act was described by sponsors as a compromise reflecting the positions of both those calling for a waiting period and those who want any screening to be conducted at the point of purchase. A two-phase program would be established.
- 10/22/91** — An omnibus crime control bill (H.R. 3371) was passed by the House, with one title duplicating the provisions of the previously passed H.R. 7.
- 11/21/91** — The Senate passed H.R. 3371 with the contents of S. 1241 substituted.
- 11/27/91** — A House-Senate conference agreement on H.R. 3371, containing the Senate version of the Brady Bill, was approved by the House. A failed cloture motion prevented a Senate vote.
- 03/19/92** — A second motion to close Senate debate on the conference report on H.R. 3371 was unsuccessful.
- 10/02/92** — Senate leaders made a final, unsuccessful effort to bring the conference report on H.R. 3371 to a floor vote.
- 02/22/93** — Representative Schumer introduced H.R. 1025, Senate Metzenbaum introduced S. 414.
- 11/10/93** — House passed H.R. 1025, roll call vote of 238 yeas, 189 nays.
- 11/19/93** — Senate began consideration of S. 414, failed to invoke cloture (57 yeas, 42 nays).

- 11/20/93** — Senate approved H.R. 1025, 63 yeas, 36 nays, and inserted text of S. 414.
- 11/22/93** — Conferees approved conference report (House Report 103-412).
- 11/23/93** — House approved conference report, roll call vote 238 yeas, 187 nays.
- 11/24/93** — Senate approved conference report under unanimous consent agreement. Senator Dole introduces S. 1785 to amend the Brady Act.
- 11/30/93** — President Clinton signed H.R. 1025 (P.L. 103-159).

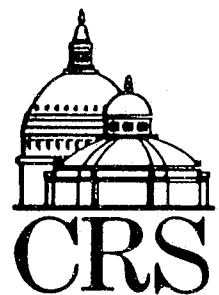
HLH/KAB/jt

CRS Issue Brief

Gun Control

Updated February 7, 1994

by
Keith Bea
Government Division



CONTENTS

SUMMARY

MOST RECENT DEVELOPMENTS

BACKGROUND AND ANALYSIS

Pro/Con Debate

Pertinent Statistics

Federal Law

Current Legislative Proposals

LEGISLATION

"Assault Weapons"

Handgun Transfer and Possession

Federal Firearm Licensees

Ammunition

Right of Possession

Other and Omnibus Legislation

Gun Control

SUMMARY

As the fear of crime throughout the Nation reportedly rises, policymakers have turned to many and various potential solutions. One approach has been to try to reduce the availability of firearms.

Supporters of such controls argue that they curb access by criminals, juveniles, and other "high-risk" individuals. They argue that only Federal measures can succeed in reducing the availability of guns. Pointing to background checks that have been conducted by State or local law enforcement agencies, they contend that even "minimal" policies such as a national waiting period for handgun purchase would save lives. Some seek sweeping policy changes, such as near-prohibition on non-police handgun ownership or the registration of all firearm owners. They find no constitutional barrier to such measures and no social costs of significance. Others advocate more moderate policies that arguably would not impede ownership and legitimate firearm transfers.

Opposition to Federal controls (existing and proposed) also varies. Gun control opponents deny that such policies keep firearms out of the hands of high-risk persons; rather, they argue, it often creates burdens for law-abiding citizens and could infringe upon the constitutional right guaranteed by the Second Amendment. They argue further that widespread gun ownership is one of the best deterrents to crime as well as to potential tyranny, whether by gangs or by Government. They may also criticize the notion of enhancing Federal, as opposed to State, police powers.

The two most significant Federal statutes controlling firearms in the civilian population are the National Firearms Act of 1934 and the Gun Control Act of 1968, as amended. The former National Firearms Act established strict registration requirements and a tax on machine guns and short-barrelled long-guns. The Gun Control Act defines pertinent terms, prohibits mail-order sales and interstate sales of handguns, prohibits transfers to minors, and sets forth penalties and licensing requirements for manufacturers, importers, and dealers.

Over the past 20 years, there have been continuing attempts to enact further Federal restrictions on handguns, the gun type most frequently involved in crime. In the 103rd Congress, this interest is reflected in enactment of the Brady Act (P.L. 103-159), to allow for screening of handgun buyers during a 5-day waiting period pending establishment of a nationwide point-of-purchase identification system. Beginning Feb. 28, 1993, licensed dealers must adhere to Brady Act transfer requirements.

Congress also is considering legislation on other gun control issues. Proposals for stricter controls on military-style semiautomatic rifles, pistols, and certain shotguns ("assault weapons"), limitations on handgun ownership, tax increases on ammunition, and more stringent requirements for issuing firearms dealer licenses have been introduced. Following enactment of the Brady Bill, President Clinton voiced support for legislation that would tighten dealer licensing.

MOST RECENT DEVELOPMENTS

In his State of the Union address on Jan. 25, 1994, President Clinton advocated further controls on "assault weapons." On Jan. 4, 1994, Treasury Secretary Bentsen announced that the Administration would support dramatic fee increases for federally licensed dealers as well as more stringent application requirements and enhanced penalties for recordkeeping violations by dealers. In addition, the Secretary announced that studies would be conducted on gun trafficking among criminals in ten metropolitan areas.

President Clinton signed the Brady Act into law on Nov. 30, 1993 (P.L. 103-159/H.R. 1025). In general, the 5-day waiting period required before handguns may be transferred by licensed dealers takes effect Feb. 28, 1994. Proposals for stricter controls on military-style semiautomatic rifles and certain semiautomatic shotguns and pistols ("assault weapons") have also been reintroduced. One version (the Feinstein Amendment) has been approved by the Senate (S. 1607/H.R. 3355). Similar legislation has been introduced in the House (H.R. 3527).

BACKGROUND AND ANALYSIS

Pro/Con Debate

The various proposals to restrict the availability of firearms to the public raise the same general questions. Is gun control crime control? Can the Nation's rates of homicide, robbery, and assault be reduced by the stricter regulation of firearm commerce or ownership? Would it stop attacks on public figures or thwart deranged persons and terrorists? Would household, street corner, and schoolyard disputes be less lethal if firearms were more difficult and expensive to acquire? Would more restrictive gun control policies have the unintended effect of impairing citizens' means of self-defense?

Although firearm suicides and accidents are also advanced as reasons for stronger controls, gun regulation advocates offer as their principal concern the large number of violent crimes committed in this country each year. Pointing to the dramatically lower murder rates of other industrial nations, advocates contend that a strict curb on gun ownership and use is a major factor in the difference. Control of handgun possession and transfer in particular, they argue, is a necessary step in reducing violent crime.

In recent years, proponents of controls have often held that only Federal laws will be effective in the United States. Otherwise, they say, States with few restrictions will continue to be illicit sources of guns in the restrictive States. They believe that the Second Amendment to the Constitution, which states that "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed," is (1) obsolete; (2) intended solely to guard against suppression of State militias by the central Government and therefore restricted in scope by that intent; or (3) does not in any case guarantee a right that is absolute, but one that can be limited by reasonable requirements. They ask why a private citizen needs any firearm that is not designed primarily for hunting or other recognized sporting purposes.

Also, proponents have advocated policy changes on specific types of firearms or components that appear to be useful primarily for criminal purposes or that pose unusual risks to the public. Fully automatic firearms (i.e., machine guns) and short-barrelled rifles and shotguns have been subject to strict regulation since 1934, and the former have been banned from private possession since 1986. More recently, "Saturday Night Specials," (loosely defined as inexpensive, small handguns), "assault weapons," ammunition feeding devices with capacities for more than seven rounds, and certain ammunition have been the focus of control efforts.

Opponents of gun control vary in their positions with respect to specific forms of control but take the view that interdiction laws do not accomplish what is intended. They argue it is as difficult to keep weapons from being acquired by "high risk" individuals, even under Federal laws and enforcement, as it was to stop the sale and use of liquor during Prohibition. In their view, such a regulatory system would only create problems for law-abiding citizens, bring mounting frustration and escalation of bans by gun regulators, and possibly threaten citizens' civil rights. They reject the contention that the low violent crime rates of other countries have anything to do with gun control, maintaining instead that multiple cultural differences are responsible.

Gun control opponents also reject the assumption that the only legitimate purpose of ownership by a private citizen is recreational (i.e., hunting and target-shooting). They insist on the continuing need of people for effective means to defend person and property. They observe that the law enforcement and criminal justice system in the United States has not demonstrated the ability to furnish an adequate measure of public safety. They further uphold the Second Amendment right to keep arms as a defense against potential government tyranny, pointing to numerous examples in other countries of the use of firearm restrictions to curb dissent and secure government power.

To supporters of restrictive controls, the opposition is out of touch with the times, dogmatic about the Second Amendment, or lacking in concern for the problems of crime and violence. To opponents, control advocates are naive in their faith in the power of regulation to solve social problems, bent on disarming the American citizen for ideological or social reasons, or moved by emotionally generated hostility to firearms and gun enthusiasts.

A number of commentators have observed that the contemporary battle over gun control in the United States appears in one sense to be a cultural confrontation between "cosmopolitan" and "bedrock" America. In addition, the debate touches on the issues of federalism (should unenumerated police powers continue to rest with the States?), privacy rights (background checks, identification systems), the effectiveness (or lack thereof) of the criminal justice system, and the boundaries of government authority (particularly regarding enforcement of proposals to regulate firearms lawfully used and possessed).

Pertinent Statistics

Number of Guns. The Bureau of Alcohol, Tobacco, and Firearms (ATF) estimates that as of 1992 approximately 212 million firearms were available for sale to or were possessed by civilians in the United States. That total includes roughly 72

million handguns (mostly pistols, revolvers, derringers), 76 million rifles, and 64 million shotguns. Most guns available for sale are produced domestically. In recent years, one to two million handguns were manufactured each year, along with one million rifles and less than one million shotguns. Annual imports are considerably fewer -- from 200,000 to 400,000 handguns, 200,000 rifles, and 100,000 to 200,000 shotguns. Retail prices of guns vary widely, from \$50 or less for inexpensive, low-caliber handguns to over \$1,500 for high-quality rifles or shotguns. Data are not available on the number of "assault weapons" in private possession or available for sale.

Criminal Use. Reports submitted by State and local law enforcement agencies to the Federal Bureau of Investigation (FBI) and published annually in the *Uniform Crime Report* indicate that both the crime rate and the violent crime rate have trended downward since 1981 and that the overall homicide rate has consistently hovered between 8 to 10 incidents per 100,000 persons throughout the 1970s and 1980s and thus far in the 1990s. Of the homicides in which the type of weapon could be identified, 60% to almost 70% have involved firearms each year. The number of homicides, and the proportion involving firearms, have recently reached or exceeded levels in past years. In 1992, of the 22,540 homicides in which the type of weapon was identified, 68% were committed with firearms. Of the 15,377 committed with firearms, 81% (12,489) involved handguns.

The number of reported robberies and aggravated assaults has increased substantially over the past 20 years. However, since 1974, the percentage that involved the use of a gun declined. From 45% in 1974, it had fallen to 40% by 1979 and remained in that range through 1982. By 1989, it had declined to 33%, but by 1991 had climbed back to 40%. Similarly, although rising during the period 1965-1973, the percentage of aggravated assaults involving use of a gun decreased from a high of 26% in 1973 to 21.1% in 1988, climbing back by 1991 to 24%.

The other principal source of national crime data is the *National Crime Survey* (NCS) conducted by the Bureau of the Census and published by the Bureau of Justice Statistics, U.S. Department of Justice. An effort to collect data on crime victims, the NCS data base provides some information on the weapons used by offenders, based on victim reports. From 1979 to 1987, surveyed victims reported that handguns were the most frequently used weapons in violent crimes of aggravated assault, robbery, and rape (29% of the incidents). Similar percentages were reported for 1991, the most recent year for which data are available. By comparison, knives were used in 23% of the violent incidents, blunt objects in 19%, and other guns in 8%. In most (87%) of the incidents involving handguns reported to surveyors from 1979 to 1987, handguns were not fired but were used by offenders to intimidate victims.

Suicides, Accidents, and Other Deaths. Another source of national data on firearm deaths is the publication *Vital Statistics*, published each year by the National Center for Health Statistics of the Public Health Service, based on reports from coroners in each State. Firearm deaths are presented in five categories -- homicides, suicides, accidents, legal intervention, and unknown circumstances. In 1991, the most recent year for which data are available, the Center reported 38,355 firearm deaths in the Nation, as follows: 17,763 homicides, 18,547 suicides, 1,441 accidents, 240 due to legal interventions, and 364 of unknown provenance.

Self-defense. Law enforcement agencies do not collect information on the number of times civilians use firearms to defend themselves against attack or to protect property. Data are only available from household surveys. For example, according to the Bureau of Justice Statistics, preliminary findings from a synthesis of National Crime Survey data from 1987 to 1992 indicate that fewer than 500,000 incidents occurred nationwide when a gun was used by a crime victim for self-defense. Persons in the business of self-protection (police officers, armed security guards) may have been included in the survey. Another source of information on the use of firearms for self-defense is the "National Self Defense Survey" conducted by criminology professor Gary Kleck of Florida State University in the spring of 1993. On the basis of responses from 4,978 households, Dr. Kleck estimated that handguns have been used 2.1 million times per year for self-defense and that all types of guns have been used approximately 2.5 million times a year for that purpose. According to a poll published in *USA Today*, Dec. 30, 1993, one in seven (14%) of those surveyed had used a gun in self-defense.

Recreation. According to a recent issue of *American Demographics* (Jan. 1994), in 1991 there were 4 million hunters in the United States and another 10 million who both fished and hunted (includes bow-and-arrow hunters). Hunters spent approximately \$12 billion on related activities (lodging, equipment, transportation) in that year. The proportion of the population that hunts declined between 1955 (10%) and 1985 (8%). According to the U.S. Fish and Wildlife Service, 15.8 million persons purchased hunting licenses or permits in 1990, resulting in revenues of \$784 million to the States.

Federal Law

Two major Federal statutes regulate the commerce in firearms, or their ownership: the National Firearms Act of 1934 (26 U.S.C. 5801 et seq.) and the Gun Control Act of 1968, as amended (18 U.S.C. Ch. 44, Section 921 et seq.).

The National Firearms Act was originally designed to make it difficult to obtain types of firearms perceived to be especially lethal or to be the chosen weapons of "gangsters," most notably machine guns and short-barrelled long guns. It taxes all aspects of the manufacture and distribution of such weapons. Also, the Act compels the disclosure (through registration with the Secretary of the Treasury) of the production and distribution system from manufacturer to buyer.

The Gun Control Act of 1968, as amended, contains the principal Federal restrictions on commerce in small arms and ammunition. The statute requires all persons manufacturing, importing, or selling firearms *as a business* to be federally licensed, prohibits the interstate mail-order sale of all firearms, prohibits interstate sale of handguns generally, sets forth categories of persons to whom firearms or ammunition may not be sold (such as persons under a specified age or with criminal records), authorizes the Secretary of the Treasury to prohibit the importation of non-sporting firearms, requires that dealers maintain records of all commercial gun sales, and establishes special penalties for the use of a firearm in perpetration of a Federal drug trafficking offense or crime of violence. Transactions between persons "not engaged in the business" are not covered by the Act. Such transactions, and other matters such as possession, registration, and the issuing of licenses to firearms owners are covered by State laws or local ordinances.

Following are principal changes that have been enacted since 1968 to the Gun Control Act:

- the "Firearms Owners Protection Act," McClure-Volkmer Amendments (P.L. 99-308, 1986) eased certain interstate transfer and shipment requirements for long-guns, defined the term "engaged in the business," eliminated some record-keeping requirements, and banned the private possession of machine guns;
- the "Armor Piercing Ammunition" Ban (P.L. 99-408, 1986) prohibited the manufacture and importation of ammunition composed of certain metal substances;
- the Undetectable Firearms Act (P.L. 100-649, 1988), also known as the "plastic gun" legislation, banned the manufacture, import, possession, and transfer of firearms not detectable by security devices; and
- the Brady Handgun Violence Prevention Act (P.L. 103-159, 1993), required that law enforcement officers conduct background checks of prospective purchasers of handguns and, after five years, required the use of a national instant check system by licensees for all firearm purchases.

Current Legislative Proposals

With enactment of the Brady Handgun Violence Prevention Act in 1993, the second session of the 103rd Congress will likely debate the issue of "assault weapons" and of policy changes intended to further restrict criminal access to firearms. In addition, legislation has been introduced to enhance penalties for the criminal use of firearms and to ensure that the rights of citizens to defend themselves are preserved. Also, the Administration has indicated its support for a legislative proposal to reduce the number of federally licensed dealers by increasing the annual fee and by enacting more stringent application requirements.

Ongoing debate generally relates to the Gun Control Act of 1968, as amended. The Act generally does not touch on the issue of private possession, nor does it establish requirements that individuals must meet, such as participation in training courses, registration, licensing, insurance coverage, or the like. An overriding issue that may underlie many efforts to enact further controls is whether the Act's basic concept in the Act of regulating dealers, importers, and manufacturers is a satisfactory framework for solving the gun-crime problem. Rather than relying upon State laws and local ordinances, some may argue that nationwide, uniform Federal restrictions on the individual gun owner are needed.

The more significant issues currently being considered include the following.

Federal Licensing of Dealers. On Jan. 4, 1994, the Secretary of the Treasury announced that the Administration would support legislation to increase the fee that Federal firearm licensed (FFL) dealers are assessed and to enact more stringent application requirements for these dealers. According to the Treasury Department, there were 284,000 FFL dealers in 1992. The current annual fee for such dealers was set by the Brady Act at \$200 for three years (roughly \$66 per year) or \$90 for renewal

of valid licenses. Prior to the Brady Act, the fee was \$10 annually, \$25 for pawnbrokers. According to Secretary Bentsen, the actual cost of processing the license is \$600 per year. News reports note that this figure is disputed by the National Rifle Association. In addition to the fee increase, the Administration proposal calls for legislation to enact more stringent application requirements for licensed dealers and penalty increases for violating recordkeeping requirements. Administrative changes were also proposed, including more frequent investigations of dealers and more thorough screening of applicants for licenses.

Several issues are likely to be addressed during the debate over such a proposal. Will the increase in fees impair the ability of criminal offenders to obtain firearms? According to the Secretary of the Treasury, one-third of all gun purchases involve transactions with dealers; the other two-thirds involve illegal sales to criminals "off-the-street" or legal sales at gun shows or in private transactions. Proponents of the proposed increase may argue that the fee increase will make it more difficult for criminals to obtain guns through private sales because many licensed dealers who currently obtain guns through the mail at wholesale prices and make sales from their homes or at gun shows would decide that the increased costs of doing business are not cost effective. As a result, it could be argued, gun purchasers will be forced to go to fewer licensed outlets subject to regulation and subject to enforcement. Opponents may counter that the street sales will continue because criminals will still obtain guns by theft or illegal diversion of legitimate sources.

Also, news reports indicate that the Administration views the fee increase to be one means of raising funds for greater law enforcement resources. The need for greater resources and more frequent investigations of FFL dealers is indicated by reports of illicit activities. For example, according to a *Washington Post* report (Nov. 29, 1992), 600 FFL dealers had been arrested by ATF over a 5-year period for illegal weapons sales. A spokesperson for the NRA counters that most firearm dealers are not engaged in illicit gun sales (an assertion reportedly consistent with ATF reports) and should not shoulder the burden of that cost. Opponents may also argue that the arrest data are not an adequate measure of wrongdoing (many arrests may be unfounded). In addition, other issues that may be raised in the debate on this proposal include (1) the economic impact of the proposal, as some of the FFL dealers, particularly those in rural areas who rely on several income sources, would lose a legal source of income if they cannot afford the increased fee; (2) the advantages and disadvantages of narrowing the retail outlet funnel for firearms; and (3) the concerns of "storefront" FFL dealers who compete with the considerably larger number of home-based dealers.

Tax Increases. Other firearm control proposals currently the focus of considerable debate concern Federal taxes on firearms and ammunition. At present, a Federal tax of 10% is applied to the sale of handguns, and an 11% tax on other firearms, ammunition, and bows and arrows (26 U.S.C. 4181). Similar taxes were first imposed in 1932 (but not on handguns), and in 1937 they were dedicated to a wildlife restoration and management fund (16 U.S.C. 669b). The fund is often referred to as the Pittman-Robertson fund, sponsors of the 1937 legislation. Most of the money in the trust fund is allocated among the States and territories for wildlife management and hunter safety programs (up to 8% is used for administrative expenses).

Concern with violent crime and the costs, particularly those for health care, of firearm use have led some to propose a change in the tax structure and the end use of

those funds. Some have argued that receipts from such taxes should be directed to the President's health care reform package. Others advocate channeling those receipts into victim assistance programs or as a means of enhancing law enforcement resources. Still others view the tax increase option, properly drawn, as a means of restricting the flow of ammunition by raising the price in an effort to reduce violent crime. A number of issues are likely to be at the center of debate on the proposal, such as the following: (1) should tax receipts obtained from legitimate firearms transactions be used for programs related to the illegal use of firearms; (2) would the proposal to increase taxes clearly and adversely affect the ability of lower-income civilians to defend themselves; and (3) would increased taxes have an impact on criminal access to firearms?

Military-style Semiautomatic Firearms. Carried over from previous Congresses are a variety of proposals to place further restrictions on the commerce in, and ownership of, military-style semiautomatic rifles and certain shotguns and pistols ("assault weapons"). The Senate has approved an omnibus crime bill (H.R. 3355/S. 1607) that prohibits the possession and transfer of such firearms, except for those legally owned and recorded as such by a specified date. The Clinton Administration has indicated support for those or similar restrictions.

Proponents of greater restrictions regard such firearms (generally referred to as "assault weapons" or "semiautomatic assault weapons") as potentially more lethal than other firearms and characterize them as weapons of choice of drug dealers, violent criminals, or psychopaths. Arguing that such firearms have characteristics that distinguish them from "traditional" firearms, proponents contend that the military characteristics (folding stocks, high capacity ammunition magazines, and pistol grips on long-guns) have no sporting applications.

Opponents argue that the firearms in question are functionally indistinguishable from semiautomatic firearms generally, many of which have been widely used for 50 to 60 years for target shooting and hunting, and also for self-defense. Moreover, they maintain that even if a satisfactory distinction could be drawn, further restrictions would not prevent the guns from being acquired by high-risk individuals and would merely add to the growing body of controls that constrain only those who abide by the law. (For more detailed discussion, see CRS Report 92-434 GOV, "Assault Weapons": *Military-Style Semiautomatic Firearms, Facts and Issues.*)

LEGISLATION

"Assault Weapons"

H.R. 661 (Collins, C.)

Makes the manufacturer of, importer of, or dealer in a handgun or an "assault weapon" liable for damages that result from the use of such firearms. Introduced Jan. 27, 1993; referred to Committee on Judiciary.

H.R. 893 (Gutierrez)

Prohibits possession and transfer of "assault weapons." Introduced Feb. 16, 1993; referred to Committee on Judiciary. **See also: H.R. 1472 (Schumer)**, introduced

Mar. 24, 1993; **H.R. 1706 (Mfume)**, introduced Apr. 7, 1993; **H.R. 3184 (Reynolds)**, introduced Sept. 28, 1993.

H.R. 1421 (Stark)

Assault Weapon Act of 1993. Prohibits the importation and manufacture of firearms designed to accept certain components, enhances penalties for criminal use. Introduced Mar. 18, 1993; referred to Committee on Judiciary.

H.R. 1571 (Hughes)

Restricted Weapons Act of 1993. Prohibits the possession, transfer, and export of (1) any domestically produced semiautomatic rifle that fails to meet the sporting purposes test governing importation under current law; and (2) any firearm the importation of which is already prohibited under 18 U.S.C. 925(d). Exempts firearms legally owned as of date specified. Bans the possession and transfer of ammunition feeding devices holding more than 7 rounds. Introduced Mar. 31, 1993; referred to Committee on Judiciary.

H.R. 1734 (Gutierrez)

Prohibits the possession or transfer of "non-sporting" handguns. Introduced Apr. 20, 1993; referred to Committee on Judiciary.

H.R. 3527 (Schumer)

Prohibits transfer and possession of "assault weapons." Similar to Title 45 of Senate passed crime bill (S. 1607/H.R. 3355), differs regarding time frames and some descriptions of firearms. Introduced Nov. 17, 1993; referred to Committee on Judiciary.

S. 108 (Moynihan)/H.R. 1568 (Gibbons)

Prohibits the importation of "semiautomatic assault weapons," large-capacity ammunition feeding devices, and certain accessories. S. 108 introduced Jan. 21, 1993; referred to Committee on Finance. H.R. 1568 introduced Mar. 31; referred to Committee on Ways and Means.

S. 639 (DeConcini)

Anti-drug Assault Weapons Limitation Act of 1993. Drive-By Shooting Prevention Act of 1993. Makes unlawful the possession of specified (by make and model) military-style semiautomatic firearms; establishes a Federal penalty for drive-by shootings; and for other purposes. Introduced Mar. 23, 1993; referred to Committee on Judiciary.

S. 653 (Metzenbaum)

Semiautomatic Assault Weapon Violence Prevention Act of 1993. Prohibits the transfer or possession of specified (by make and model) military-style semiautomatic firearms (more makes and models covered than under H.R. 1472 and S. 639) and applies current importation standards ("sporting purposes" test) to domestic commerce. Introduced Mar. 25, 1993; referred to Committee on Judiciary.

Handgun Transfer and Possession

P.L. 103-159, H.R. 1025/S. 414

Brady Handgun Violence Prevention Act (107 STAT. 1536-1546). Consists of two phases. Under Phase I, effective Feb. 28, 1994, generally prohibits a Federal firearm licensee from transferring a handgun unless local law enforcement authorities "make

a reasonable effort" in 5 days to conduct a background check. Upon development of a national instant check system, Phase II (permanent provision) requires that an FFL contact the system for information. Contains other provisions regarding fees and reporting requirements. *For more detailed information see CRS Report No. 94-14, "Brady Handgun Violence Prevention Act."* H.R. 1025 introduced Feb. 22, 1993; referred to Committee on Judiciary. Reported, amended, and passed House, November 10 (H.Rept. 103-344). Passed Senate, amended, with text of S. 414, Nov. 20. Conference report (H.Rept. 103-412) passed House Nov. 23; passed Senate Nov. 24. Signed into law Nov. 30, 1993. **See also: H.R. 3557 and S. 891**, regarding establishment of background check system for firearm purchases, and **S. 1785**, summarized below.

H.R. 544 (Torricelli)/ S. 376 (Lautenberg)

Multiple Handgun Transfer Prohibition Act of 1993. Prohibits the transfer of 2 or more handguns to an individual in any 30-day period. Introduced Jan. 21, 1993; referred to Committee on Judiciary. S. 376 introduced Feb. 16, 1993; referred to Committee on Judiciary. **See also: S. 376 (Lautenberg)**, introduced Feb. 16, 1993.

H.R. 711 (Gonzales)

Amends the Gun Control Act to institute controls to ensure that handguns are available only to persons with demonstrated knowledge and skill in their safe use, maintenance, and storage. Introduced Feb. 2, 1993; referred to Committee on Judiciary.

H.R. 1501 (Yates)

Prohibits handgun transfers, with exceptions. Introduced Mar. 25, 1993; referred to Committee on Judiciary.

H.R. 1616 (Collins)

Handgun Registration Act of 1993. Provides for the mandatory registration of handguns. Introduced Apr. 1, 1993; referred to Committee on Judiciary.

H.R. 1833 (Norton)

Prohibits the private transfer of a handgun or ammunition to any person without a State permit. Introduced Apr. 22, 1993; referred to Committee on Judiciary.

H.R. 1834 (Norton)

Prohibits the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a minor. Introduced Apr. 22, 1993; referred to Committee on Judiciary. **See also: H.R. 3435 (Skaggs)**, introduced Nov. 3, 1993, but includes any firearm or ammunition in prohibition.

H.R. 3098 (Glickman)

Prohibits possession of a handgun or ammunition by, or transfer of such to, a juvenile. Introduced Sept. 21, 1993; referred to Committee on the Judiciary. Amended and reported by Committee, H.Rept. 103-389, and passed House, Nov. 20, 1993. Referred to Senate Judiciary Committee Nov. 22, 1993.

H.R. 3132 (Owens)

Prohibits the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions. Introduced Sept. 23, 1993; referred to Committee on Judiciary.

H.R. 3466 (Obey)

Prohibits possession of a handgun by, and transfer to, a minor. Introduced Nov. 8, 1993; referred to Committee on Judiciary. **See also: H.R. 3595 (Santorum)**, introduced Nov. 20; **S. 1087 (Kohl)** introduced June 9, 1993.

H.R. 3482 (Rush)

Regulates the possession and transfer of handguns and ammunition. Introduced Nov. 9, 1993; referred to Committee on Judiciary and Energy and Commerce.

S. 892 (Chafee)

Public Health and Safety Act of 1993. Prohibits the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions. Introduced May 5, 1993; referred to Committee on Judiciary.

Federal Firearm Licensees (FFLs)**H.R. 3125 (Bartlett)**

Felon Identification and Police Safety Act of 1993. Provides for the identification of felons and persons adjudicated mentally incompetent on driver's licenses and other documents. Imposes penalties on any FFL dealer who sells a handgun to a person without inspecting the driver's license or identification document of the person. Introduced Sept. 23, 1993; referred to Committee on Judiciary.

H.R. 3337 (Lowey)

Strengthens Federal standards for licensing firearms dealers and adds to dealer reporting requirements. Introduced Oct. 21, 1993; referred to Committee on Judiciary.

H.R. 3639 (Fields)

Requires FFL dealers to notify law enforcement officers of the source of guns. Introduced Nov. 22, 1993; referred to Committee on the Judiciary.

S. 113 (Moynihan)

Requires compliance with State and local firearms laws before Federal licenses are issued to dealers. Introduced Jan. 21, 1993; referred to Committee on Judiciary.

S. 496 (Simon)

Strengthens Federal standards for FFL dealers, raises license fees, and increases reporting requirements. Introduced Mar. 3, 1993; referred to Committee on Judiciary. **See also: S. 1656 (Bennett)**, introduced Nov. 10, 1993.

Ammunition**H.R. 3398 (Barrett, T.)**

Regulates the sale of certain ammunition ("Black Talon" type). Introduced Oct. 28, 1993; referred to Committee on Judiciary. **See also: H.R. 3720 (Pelosi)**, introduced Nov. 23, 1993.

H.R. 3542 (Schumer)

Amends definition of "armor piercing ammunition" to include expanding and other projectiles. Introduced Nov. 18, 1993; referred to Committee on the Judiciary.

S. 32 (Moynihan)

Violent Crime Control Act of 1993. Provides for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence; requires the keeping of records with respect to dispositions of ammunition; and requires that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms. Introduced Jan. 21, 1993; referred to Committee on Finance.

S. 109 (Moynihan)

Requires the keeping of records with respect to dispositions of ammunition, and requires a study of the use and possible regulation of ammunition sales. Introduced Jan. 21, 1993; referred to Committee on Judiciary.

S. 178 (Moynihan)

Violent Crime Prevention Act. Prohibits the manufacture, transfer, or importation of .25- and .32-caliber and 9-millimeter ammunition. Introduced Jan. 21, 1993; referred to Committee on Judiciary.

S. 179 (Moynihan)

Amends Internal Revenue Code to tax 9 millimeter, .25 caliber and .32 caliber ammunition at 1,000%. Exempts sales to public agencies. Introduced Jan. 21, 1993; referred to Committee on Finance.

S. 1616 (Moynihan)

Increases tax on handgun ammunition, exempts such increases from being placed in the wildlife restoration fund, and imposes new tax on each place of business used to import or manufacture such ammunition. Introduced Nov. 3, 1993; referred to Committee on Finance.

S. 1659 (Moynihan)

Amends definition of armor piercing ammunition. Introduced Nov. 16, 1993; referred to Committee on Judiciary.

Right of Possession**H.R. 1276 (Bartlett)**

Citizens' Self Defense Act of 1993. Establishes a statutory right to obtain firearms for security and to use firearms in defense of self, family, or home, and provides for the enforcement of such right. Introduced Mar. 10, 1993; referred to Committee on Judiciary.

H.R. 1277 (Cunningham)

Exempts qualified law enforcement officers from State prohibitions on carrying concealed handguns. Introduced Mar. 10, 1993; referred to Committee on Judiciary.

H.R. 3301 (Torricelli)

Institutes restrictions designed to prevent persons who have committed domestic abuse from obtaining a firearm. Introduced Oct. 19, 1993; referred to Committee on Judiciary.

H.Con.Res. 3 (Crane)

Expresses the sense of Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors. Introduced Jan. 5, 1993; referred to Committee on Judiciary.

H.J.Res. 81 (Owens)

Proposes repeal of the Second Amendment to the U.S. Constitution. Introduced Jan. 5, 1993; referred to Committee on Judiciary.

S. 458 (Smith)

Reaffirms Second Amendment Rights. Introduced Feb. 25, 1993; referred to Committee on Governmental Affairs.

S. 1400 (Lautenberg)

Does away with the possibility of granting relief, with respect to loss of firearm possession rights, to persons convicted of a violent felony. Introduced Aug. 6, 1993; referred to Committee on Judiciary.

S. 1570 (Wellstone)

Amends 18 U.S.C. chap. 44 to prevent persons who have committed domestic abuse from obtaining a firearm. Introduced Oct. 20, 1993; referred to Committee on Judiciary.

Other and Omnibus Legislation**H.R. 737 (Reynolds)**

Establishes liability for manufacturers and importers, increases excise tax, and dedicates revenues to hospitals. Introduced Feb. 2, 1993; referred to Committees on Judiciary and Ways and Means. **See also: S. 868 (Murray)**, introduced May 4, 1993, and **H.R. 2276 (Meek)**, introduced May 26, 1993, but these bills do not establish liability; **S. 1798 (Bradley)**, introduced Jan. 25, 1994, also increases FFL fee.

H.R. 987 (Miller, G.)

Gun-Free Schools Act of 1993. Amends the Elementary and Secondary Education Act of 1965 to require each State, as a condition of receiving Federal assistance under such Act, to implement a gun control program in its schools and to establish a program of grants to local educational agencies for purposes of purchasing crime prevention equipment and training security personnel. Introduced Feb. 18, 1993; referred to Committee on Education and Labor.

H.R. 1927 (Conyers)

Transfers all firearm regulation functions of the Bureau of Alcohol, Tobacco, and Firearms from the Department of the Treasury to the Federal Bureau of Investigation. Introduced Apr. 29, 1993; referred to Committees on Judiciary and on Ways and Means.

H.R. 2872 (McCollum)

Crime Control Act of 1993. Contains the gun-related provisions of S. 891, establishing a nationwide point-of-purchase system for screening felons and other prohibited firearm purchasers. Also provides for increases in penalties for various illegal acts involving firearms or explosives and "drive-by shooting;" establishes new offenses for certain transactions, theft, and possession of explosives. Introduced Aug. 4, 1993; referred to Committee on Judiciary.

H.R. 3131 (Brooks)

Violent Crime Control and Law Enforcement Act of 1993. Omnibus bill with 31 titles. Gun-related provisions include those that make "drive-by" shooting a Federal offense, with possibility of the death penalty if death results and that establish various other new Federal offenses related to firearms or explosives (including theft of such when moving in interstate commerce or if from a licensee) and provide for increased penalties (often to be determined by the U.S. Sentencing Commission) for certain existing gun-related offenses (including interstate gun trafficking). Also includes Brady Handgun Violence provisions, enacted as P.L. 103-159. Introduced Sept. 23, 1993; referred to Committee on Judiciary.

H.R. 3263 (Derrick)

Authorizes the Consumer Product Safety Commission to regulate the risk of injury associated with firearms. Introduced Oct. 12, 1993; referred to Committee on Energy and Commerce.

H.R. 3315 (Washington)

Crime Prevention and Criminal Justice Reform Act. Omnibus bill containing 11 titles. Includes "Brady" provisions (P.L. 103-159), bans the further manufacture and sale of certain military-style and other firearms, makes firearms licensees liable for all direct and consequential damages arising from bodily injury or death, increases the Federal excise tax on 9 millimeter, .25 caliber, and .32 caliber to 89%, (proceeds to be transferred to a trust fund for grants to trauma centers), limits handgun transfers to any one unlicensed individual to one a month, increases firearms dealers' license fees to \$750 per year and enacts more stringent application requirements, and bans all possession of any "non-sporting" handgun, among other provisions. Introduced Oct. 19, 1993; referred to Committees on Judiciary and on Ways and Means.

H.R. 3406 (Hoagland)

Amends the Gun Free School Zone Act, prohibits possession of handguns by juveniles. Introduced Oct. 28, 1993; referred to Committee on Judiciary.

H.R. 3537 (Manton)

Imposes mandatory prison terms for possession or use of firearm during a crime that violates State law. Introduced Nov. 18, 1993; referred to Committee on the Judiciary.

H.R. 3535 (passed by Senate; see S. 1607, below.)

H.R. 3746 (Klein)

Authorizes Federal support for local programs that encourage gun turn-ins in exchange for merchandise. Introduced Jan. 26, 1994; referred to Committees on Judiciary and Ways and Means.

H.R. 3763 (Glickman)

Amends the Gun Free School Zones Act of 1990. Introduced Feb. 2, 1994; referred to Committee on Judiciary.

H.R. 3771 (Schumer)

Provides tax incentives for businesses participating in gun exchange programs, among other purposes. Introduced Feb. 2, 1994; referred to Committees on Judiciary and Ways and Means.

S. 8 (Hatch)

Crime Control Act of 1993. Omnibus 17-title bill. Title V contains amendments to existing gun or explosives control statutes, principally creating new offenses or increasing existing penalties. Introduced Jan. 21, 1993; referred to Committee on Judiciary.

S. 441 (Campbell)/H.R. 2148 (Zimmer)

Provides for a mandatory minimum sentence for the unlawful possession of a firearm by prohibited persons. Increases the general penalty for a violation of Federal firearms laws; and increases the enhanced penalties provided for the possession of a firearm in connection with a crime of violence or drug trafficking crime, and for other purposes. S. 441 introduced Feb. 25, 1993; referred to Committee on Judiciary. H.R. 2148 introduced May 18, 1993; referred to Committee on Judiciary.

S. 504 (Kohl)

Makes it a Federal crime to steal a firearm or explosives in interstate or foreign commerce. Introduced Mar. 4, 1993; referred to Committee on Judiciary.

S. 505 (McConnell)

Food Stamp Antifraud Act of 1993. Contains provision to amend the Food Stamp Act of 1977 with regard to retail food stores participating in the food stamp program to repeal the limits on civil money penalties for food stamp trafficking and firearms or controlled substance trading. Also amends the Food Stamp Act to permanently disqualify a retail food store from program participation for repeat trading of firearms, ammunition, explosives, or controlled substances for food stamps. Introduced Mar. 4, 1993; referred to Committee on Agriculture, Nutrition, and Forestry.

S. 1356 (Dole)

Neighborhood Security Act of 1993. Contains provisions for enhanced penalties for various firearms and explosives offenses. Makes "drive-by shooting" a Federal crime if done in the course of or furtherance of drug trafficking activity. Also provides for the death penalty for gun murders during Federal crimes of violence or drug trafficking. Introduced Aug. 4, 1993; referred to Committee on Judiciary.

S. 1581 (Lieberman)

Violent Crime Reduction Act of 1993. Establishes a Federal Rapid Deployment Force made up of Federal law enforcement personnel that States and localities could call upon for temporary assistance in battling violent crime caused by or exacerbated by the interstate flow of drugs, guns, and criminals, and contains other provisions. Introduced Oct. 25, 1993; referred to Committee on Judiciary.

S. 1607 (Biden)

Violent Crime Control and Law Enforcement Act of 1993. Title III prohibits firearm transfer to persons under restraining orders and strengthens licensing requirements. Title IV establishes various new Federal offenses related to firearms and explosives and increasing penalties for certain existing gun-related offenses. Title XLV restricts the manufacture, transfer, and possession of "assault weapons" and high capacity ammunition magazines. Title XLVI prohibits efforts to impede a lawful hunt. *For summary see CRS Report No. 94-2, "Violent Crime Control and Enforcement Act: Summary of S. 1607 (H.R. 3355)." Introduced Nov. 1, 1993; placed on calendar. Measure laid before Senate, November 3. Passed by the Senate, amended and incorporated into H.R. 3355, which passed Senate Nov. 19, 1993.*

S. 1647 (Bingaman)

Establishes process to remove particularly dangerous weapons from society. Introduced Nov. 10, 1993; referred to Committee on Judiciary.

S. 1749 (Packwood)

Amends the Internal Revenue Code to exempt custom gunsmiths who produce small quantities of firearms from the excise tax. Introduced Nov. 20, 1993; referred to Committee on Finance.

S. 1785 (Dole)

Amends the Brady Act to terminate the waiting period provisions in two years, or upon establishment of the instant check system, instead of in five years. Mandates the Attorney General determine whether it is feasible to establish the system within 24 months and sets standards for the system (equipment must be operational, States with 80% of population must report at least 80% of violent crimes reported by all States with 60% currency over last five years). Requires that States receiving law enforcement grants (Byrne program) establish a plan to forward mental institution commitment records to the Department of Justice. Introduced November 24, as part of the compromise reached in the Senate when the conference report to H.R. 1025 (the Brady Act, P.L. 103-159) was agreed to. Ordered to be placed on Calendar.

S. 1815 (Dole)

Authorizes matching funds for State and local firearm buy-back programs. Introduced Feb. 1, 1994; referred to Committee on Judiciary.

CRS Report for Congress

Congressional Research Service • The Library of Congress

Gun Control: Bibliography-in-Brief, 1990-1993

Tangela G. Roe
Senior Bibliographer, Government and Law

Library Services Division

This bibliography includes materials that address the debate regarding gun control, the Brady Handgun Violence Prevention Act, "assault weapons," and other issues. The bibliography includes articles and reports selected from the Public Policy Literature File (PPLT) and the Congressional Research Service Products File (CRSP). Books are selected from the Library of Congress Computerized Catalog (LCCC). Congressional researchers may order the full text of articles by calling while books can be obtained by calling 7-5445. Other researchers should consult their local library; Congressional Research Service writings are available only to congressional offices.

Selected CRS Products

- "Assault weapons": military-style semiautomatic firearms facts and issues, by
Keith Bea. Revised June 4, 1992. 79 p. 92-434 GOV
- Brady Handgun Violence Prevention Act: H.R. 1025/S. 414, 103d Congress, by
Harry Hogan. May 5, 1993. 16 p. 93-497 GOV
- Crime, drug and gun control; videoprogram, by Harry Hogan, Keith Bea,
Elizabeth Bazan, and Charles Doyle. May 4, 1993. Program time:
60 minutes. LTR93-1329
- Gun control: info pack. Updated as needed. IP051G
- Guns and gun control: national public opinion polls, by Rinn-Sup Shinn.
Nov. 26, 1990. 40 p. 90-545 GOV
- Handgun-buyer background checks: comparison of H.R. 1025/S. 414 and S. 891,
103d Congress, by Harry Hogan. July 9, 1993. 19 p. 93-661 GOV
- Provisions of State law abrogating restrictions on possession of firearms by
convicted felons, by P. L. Morgan. Mar. 2, 1992. 29 p. 92-262 A



Published Literature

Automated record checks of firearm purchasers: issues and options. Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1991. 50 p. LRS91-7005

"Report assesses the proposals and prospects for automated checks, ranging from the point-of-sale 'instant' check now used by the state of Virginia, to the establishment of a computerized national felons file, to live scanning of fingerprints, or the issuance of 'smart' cards to identify firearm purchasers."

Boser, Markus.

Go ahead, State, make them pay: an analysis of Washington D.C.'s Assault Weapon Manufacturing Strict Liability Act. Columbia journal of law and social problems, v. 25, no. 2, 1992: 313-370. LRS92-4366

Argues that "legislation holding the manufacturers and distributors of handguns and assault weapons strictly liable for the injuries their weapons cause to innocent victims, such as that enacted in Washington, D.C.," is constitutional.

Carter-Yamauchi, Charlotte A.

A clash of arms: the great American gun debate. Honolulu, Legislative Reference Bureau, State Capitol, 1991. 200 p. (Report no. 1, 1991) LRS91-806

Examines banning firearms as a gun control measure, surveying Federal, State, local and case law on the question. The report finds that "present empirical evidence of the effect of banning firearms on violence and crime appears inconclusive at best."

Effects of restrictive licensing of handguns on homicide and suicide in the District of Columbia. New England journal of medicine, v. 325, Dec. 5, 1991: 1615-1620.

LRS91-11287

"Our data suggest that restrictions on access to guns in the District of Columbia prevented an average of 48 deaths each year after the law was implemented" in 1976.

Fafarman, Keith R.

State assault rifle bans and the militia clauses of the United States Constitution. Indiana law review, v. 67, winter 1991: 187-205. LRS91-11283

Comment states that "while states may continue to regulate firearms ownership under their police powers, statutes that prevent militia members from owning modern militia weapons, which are currently semiautomatic or automatic rifles with a large magazine capacity, should be invalid under the militia and supremacy clauses."

Gun control. Charles P. Cozic, book editor. San Diego, Calif., Greenhaven Press, 1992. 288 p. (Current controversies) HV7436.G863 1992

Presents articles on both sides of the gun control issue, discussing such topics as constitutionality, the effectiveness of guns as a means of self-defense, and reducing gun-related violence.

The Gun control debate: you decide. Edited by Lee Nisbet. Buffalo, Prometheus Books, 1990. 341 p. (Contemporary issues) HV7436.G866 1990

Idelson, Holly.

Gun rights and restrictions: the territory reconfigured. Congressional Quarterly weekly report, v. 51, Apr. 24, 1993: 1021-1026. LRS93-3106

"Gun control advocates seem to be winning political ground even as the National Rifle Association records its largest membership ever and gun ownership increases." Sidebar (p. 1023) presents results of the Mar. 1993 CNN/USA Today Gallup Poll on gun control.

Kates, Don B.

The Second Amendment and the ideology of self-protection. Constitutional commentary, v. 9, winter 1992: 87-104. LRS92-1881

"The purpose of this Article is to explore the numerous and protean ways in which the concept of self-protection related to the amendment in the minds of its authors. Indeed, self-defense is at the core of the second amendment and was an element in the founders' political thought generally."

Kates, Don B., Jr. Harris, Patricia Terrell.

How to make their day. National review, v. 43, Oct. 21, 1991: 30-32. LRS91-9941

"Here are a few things we all know about handguns: they are useless for self-defense; their owners are more likely to kill relatives than assailants; they tempt the law-abiding to violence. False, false, and false."

Kleck, Gary.

Point blank: guns and violence in America. New York, A. de Gruyter, 1991. 512 p. (Social institutions and social change) HN90.V5K56 1991

Kopel, David B.

Hold your fire: gun control won't stop rising violence. Policy review, no. 63, winter 1993: 58-65. LRS93-420

The "director of the Second Amendment Project at the Independence Institute, a Golden, Colo., think-tank," contends that "gun control won't stop rising violence." In fact, he argues "that gun ownership plays an important role in preventing crime."

The samurai, the mountie, and the cowboy: should America adopt the gun controls of other democracies? Buffalo, Prometheus Books, 1992. 470 p. HV7435.K66 1992

Larson, Erik.

The story of a gun. Atlantic monthly, v. 271, Jan. 1993: 48-78. LRS93-6

"After 60,000 deaths from firearms use over the past two years, America is in a gun crisis. Yet gun laws remain weak, gunmakers continue to promote killing power, and gun dealers accept no responsibility for the criminal use of what they sell." The author illustrates this contention by showing how a Virginia Beach teenager bought a semi-automatic handgun used to kill a schoolteacher and wound another in Dec. 1988.

Mauser, Gary A. Kopel, David B.

"Sorry, wrong number": why media polls on gun control are often unreliable. Political communications, v. 9, Apr.-June 1992: 69-92. LRS92-5074

"Without arguing for or against gun controls, this article examines the interviewing and sampling methods used by media polls and finds that some polls claiming impressive majorities in favor of severe gun controls may not be accurate."

McClurg, Andrew Jay.

The rhetoric of gun control. American University law review, v. 42, fall 1992: 53-113. LRS92-11898

"Article guides the reader through the treacherous terrain of gun control argumentation by identifying and analyzing the wide variety of reasoning defects employed by participants in the debate The Article is process oriented. No attempt is made to address the ultimate question of whether the nation's gun policies should be reformed."

Reducing firearm injuries. Issues in science and technology, v. 7, spring 1991: 73-79.

LRS91-2855

"Guns now constitute a public health crisis. Their design should be regulated and their availability limited."

Stone, Peter H.

Under the gun. National journal, v. 25, June 5, 1993: 1334-1338. LRS93-3882

"The National Rifle Association has suffered a series of legislative setbacks in state capitals and appears headed for defeat on the Brady handgun bill in Congress this year. But its wounds may not be fatal: it's trying a new marketing plan to improve its standing with lawmakers and the public."

Suicide in the home in relation to gun ownership. New England journal of medicine,

v. 327, Aug. 13, 1992: 467-472. LRS92-6764

Concludes from a study of suicide cases in Shelby County, Tennessee, and King County, Washington, that "ready availability of firearms is associated with an increased risk of suicide in the home."

Tien, James M. Rich, Thomas F.

Identifying persons, other than felons, ineligible to purchase firearms: a feasibility study. Washington, U.S. Bureau of Justice Statistics, 1990. 120 p. LRS90-14275

"NCJ-123050"

Presents results of a study designed "to determine if an effective method exists for the immediate and accurate identification of other persons who attempt to purchase firearms but are ineligible to do so because they fall into other ineligible categories created by the Gun Control Act of 1968 [18 U.S.C. 922(g)]."

200 million guns. New York times, Mar. 8, 1992; sec. 1: 1, 30; Mar. 9: A1, A10; Mar. 10: A1, A18; Mar. 11: A1, A20; Mar. 12: A1, D21; Mar. 20: A20; Apr. 3: A1, A15.

LRS92-2185

Seven-part series on firearms in America includes articles on the gun industry, by Erik Eckholm; the culture of gun owners, by Peter Kilborn; the Tec-9 semiautomatic pistol, by Larry Rohter; criminals and guns, by Don Terry; the National Rifle Association, by Neil Lewis; ammunition manufacturers, by Barnaby Feder; and the issue of controlling responsible owners, by Erik Eckholm.

Violence. JAMA [Journal of the American Medical Association], v. 267, June 10, 1992:

whole issue (2985-3108 p.) LRS92-4840

Original contributions, commentaries, reports, and editorial focus on the issue of violence, particularly from firearms, as a public health emergency.

What policies would reduce violence? In Violence in America. Janelle Rohr, book editor.

San Diego, Calif., Greenhaven Press, 1990. p. 232-276. LRS90-13680

Partial contents.--Gun control would reduce violence, by George Napper.--Gun control would not reduce violence, by the National Rifle Association.

Wright, James D. Sheley, Joseph F. Smith, M. Dwayne.

Kids, guns, and killing fields. Society, v. 30, Nov.-Dec. 1992: 84-89.

LRS92-10109

"We have undertaken extensive surveys [the four states where we did the research were California, Louisiana, Illinois, and New Jersey] concerning firearms and firearms behaviors among two groups of youth: 835 criminally active youth (all males, mostly from large cities) currently serving time in six maximum-security juvenile corrections facilities in four states, and 1,653 students (males and females) in ten inner-city public high schools in five large cities near the six correctional facilities."

Zimring, Franklin E.

Firearms, violence and public policy. Scientific American, v. 265, Nov. 1991: 48-54.

LRS91-9418

"In the U.S. many laws that regulate firearms are misdirected and ineffective. What we don't know about gun control can hurt us."