

# Calendar No. 1221

81ST CONGRESS }  
2d Session }

SENATE

} REPORT  
No. 1207

## AMENDING SECTION 5 OF THE FEDERAL FIREARMS ACT

JANUARY 6 (legislative day, JANUARY 4), 1950.—Ordered to be printed

Mr. GEORGE, from the Committee on Finance, submitted the following

### REPORT

[To accompany H. R. 6212]

The Committee on Finance, to whom was referred the bill (H. R. 6212) to amend section 5 of the Federal Firearms Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

By virtue of this act, the Committee on Finance adopts the report of the Committee on Ways and Means which is as follows:

#### GENERAL STATEMENT

The purpose of the bill is to give express authority to law-enforcement officials for the seizure, forfeiture, and disposition of firearms and ammunition involved in violations of the Federal Firearms Act (U. S. C., title 15, secs. 901-909). The Federal Firearms Act regulates the transporting, shipping, or receiving of firearms in interstate or foreign commerce and the Treasury Department has the responsibility for the enforcement of this law.

The necessity for the bill and the explanation of its provisions is clearly expressed in the following letter dated August 22, 1949, addressed by the Secretary of the Treasury to the Speaker of the House of Representatives:

THE SECRETARY OF THE TREASURY,  
*Washington, August 22, 1949.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: There is transmitted herewith a draft of a proposed bill to amend section 5 of the Federal Firearms Act.

The purpose of the proposed legislation is to provide for the seizure, forfeiture, and disposition of firearms and ammunition involved in violations of the Federal Firearms Act (U. S. C., title 15, secs. 901-909).

This Department is charged with the enforcement of the National Firearms Act (now subch. B of ch. 25 and pt. VIII of subch. A of ch. 27 of the Internal Revenue Code) and the Federal Firearms Act. The enforcement of these laws involves the seizure of firearms. Firearms are also seized in connection with the enforcement of the liquor tax laws. Section 2730 of the Internal Revenue Code (formerly sec. 7, National Firearms Act) provides for the seizure, forfeiture, and disposition of firearms (as defined in sec. 2733) involved in violations of the National Firearms Act. Section 3173 (c) (3) of the Internal Revenue Code provides for the seizure, forfeiture, and disposition of firearms (as defined in sec.

2733) in the possession or control of any person when violating any law in regard to the manufacture, taxation, or transportation of or traffic in intoxicating liquors. Firearms seized in connection with the enforcement of the liquor tax laws are also subject to forfeiture and disposition under sections 3116 and 3321 of the Internal Revenue Code. However, there is no provision of law providing for the seizure, forfeiture, or disposition of firearms or ammunition involved in violations of the Federal Firearms Act, notwithstanding that section 5 of the said act makes it a felony for any person to violate any provision of the act or regulations promulgated thereunder or knowingly to make any false statement in applying for the license or exemption provided for in the act.

The disposition of firearms seized in connection with the enforcement of the Federal Firearms Act has presented an administrative problem. The courts are reluctant to order the disposition of firearms offered as evidence in prosecutions under the act, except to direct their return to the law-enforcement agency, and the owners of such firearms do not make claim for their return when the cases against them are closed. Further, the character and reputation of some violators are such that firearms or ammunition seized in the enforcement of the act should not be returned to them. Firearms and ammunition seized in the enforcement of the act thus accumulate in the hands of the law-enforcement agency.

The proposed amendment of section 5 of the Federal Firearms Act, like section 2730 of the Internal Revenue Code in the case of firearms subject to forfeiture thereunder, would permit the remission or mitigation of the forfeiture under section 3726 of such code, or the compromise of claims of forfeiture under section 3761 of such code.

Enactment of the proposed amendment would provide a satisfactory solution of the problem of disposing of firearms and ammunition involved in violations of the Federal Firearms Act. It would provide for forfeiture, yet would permit consideration of the equitable principles of remission or mitigation or of compromise in appropriate cases.

It is respectfully requested that you lay the proposed bill before the House of Representatives.

The Director, Bureau of the Budget, has advised the Treasury Department that there is no objection to the presentation of this report.

Very truly yours,

JOHN S. GRAHAM,  
*Acting Secretary of the Treasury.*

The bill conforms with the draft of legislation submitted by the Treasury Department.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### "FEDERAL FIREARMS ACT

"[SEC. 5.] *Sec. 5. (a)* Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than five years, or both.

*"(b) Any firearm or ammunition involved in any violation of the provisions of this Act or any rules or regulations promulgated thereunder shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code relating to the seizure, forfeiture, and disposition of firearms as defined in section 2733 of such code shall, so far as applicable, extend to seizures and forfeitures incurred under the provisions of this Act."*

