

Calendar No. 1752

74TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1682

TO EXEMPT CERTAIN SMALL FIREARMS FROM THE PROVISIONS OF THE NATIONAL FIREARMS ACT

FEBRUARY 24, (calendar day, MAR. 12), 1936.—Ordered to be printed

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

REPORT

[To accompany H. R. 3254]

The Committee on Finance, to whom was referred the bill (H. R. 3254) to exempt certain small firearms from the provisions of the National Firearms Act, having had the same under consideration, report it to the Senate without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is fully explained in the report of the Ways and Means Committee, House of Representatives, which is attached hereto and made a part of this report.

[H. Rept. No. 2,000, 74th Cong., 2d sess.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 3254) to exempt certain small firearms from the provisions of the National Firearms Act, having had the same under consideration, report it back to the House without amendment and recommended that the bill do pass.

GENERAL STATEMENT

This bill amends section 1 (a) of the National Firearms Act, approved June 26, 1934, by exempting certain small firearms from the definition of the term "firearm" contained in said act.

The National Firearms Act defined the term "firearm" so as to include all rifles having a barrel less than 18 inches in length. It has come to the attention of your committee that under a strict technical interpretation of this definition a discrimination and hardship, which was never intended, has been inflicted upon two or three manufacturers of .22 and less caliber hunting rifles, due entirely to the type of gun manufactured by them, which are in fact less susceptible of being concealed on the person than other types of rifles, of the same caliber, not coming within the technical interpretation.

The type of rifle which this bill seeks to exempt are those employing the use of a chamber in connection with the barrel proper, but which is not considered as a part of the barrel under the technical interpretation of the Bureau of the Internal Revenue.

This bill was unanimously reported by your committee, and has the approval of the Department of Justice, as shown by the following letter from the Attorney General:

FEBRUARY 5, 1936.

HON. ROBERT L. DOUGHTON,
Chairman, Ways and Means Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. DOUGHTON: I am enclosing herewith a copy of H. R. 3254, introduced in the House of Representatives by Congressman Dondero, which proposes to exempt from the provisions of the National Firearms Act rifles of .22 caliber or less having barrels of 16 inches or more in length.

The Department has no desire to place unfair restrictions on the manufacturers of the ordinary small-caliber hunting or target rifles which are not employed by the criminal element.

This amendment will take care of weapons which apparently should be exempt from the provisions of the present law. This Department, therefore, sees no reason why the measure should not be enacted.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

CHANGES MADE 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 are shown as follows (existing law in which no change is proposed is shown in roman; new matter is printed in italics):

"SEC. 1. (a) The term "firearm" means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, *but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.*"

