

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1647

To provide a fair process, with maximum opportunity for public comment, that will help eradicate from this Nation those weapons for which no legitimate purpose exists and which are so lethal that they constitute an unreasonable risk to law enforcement and the public at large, while at the same time ensuring that the law-abiding public has full access to firearms created for legitimate purposes, including firearms intended for hunting and recreational use.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 10 (legislative day, NOVEMBER 2), 1993

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide a fair process, with maximum opportunity for public comment, that will help eradicate from this Nation those weapons for which no legitimate purpose exists and which are so lethal that they constitute an unreasonable risk to law enforcement and the public at large, while at the same time ensuring that the law-abiding public has full access to firearms created for legitimate purposes, including firearms intended for hunting and recreational use.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ATTORNEY GENERAL'S STANDING COMMISSION**  
2 **ON SEMIAUTOMATIC ASSAULT WEAPONS.**

3 (a) ESTABLISHMENT.—Not later than 30 days after  
4 the date of enactment of this Act, the Attorney General  
5 shall establish a Standing Commission on Semiautomatic  
6 Assault Weapons.

7 (b) MEMBERSHIP.—

8 (1) IN GENERAL.—The Commission shall be  
9 composed of 8 members, including:

10 (A) The Assistant Attorney General for the  
11 Criminal Division of the Department of Justice.

12 (B) The heads, or their designees, of the  
13 Federal Bureau of Investigation, the Bureau of  
14 Alcohol, Tobacco, and Firearms, and the Drug  
15 Enforcement Agency.

16 (C) Two representatives of national citi-  
17 zen's organizations concerned with protecting  
18 the rights of the law-abiding public to keep and  
19 bear arms.

20 (D) Two representatives of national citi-  
21 zen's organizations concerned with protecting  
22 the public safety and the needs of the Nation's  
23 law enforcement officers.

24 (2) TERMS.—The Commission members who  
25 are representatives of national citizen's organizations  
26 shall serve terms of 4 years, except that the terms

1 of the members first appointed may be staggered to  
2 ensure that the terms of no more than 3 members  
3 expire in any 1 year.

4 (3) VACANCIES.—The Attorney General shall  
5 make an appointment to fill a vacancy on the Com-  
6 mission not later than 30 days from the date that  
7 the vacancy occurred. An individual chosen to fill a  
8 vacancy shall be appointed for the unexpired term of  
9 the member replaced.

10 (c) MEETINGS.—The Commission shall meet at least  
11 twice annually, at the call of the Attorney General and  
12 at the request of at least 3 members, based on requests  
13 for such a meeting from the public or law enforcement  
14 entities. Each meeting of the Commission shall be open  
15 to the public.

16 (d) DUTIES.—The Commission shall—

17 (1) on an ongoing basis based on input solicited  
18 from private citizens, national organizations, and  
19 law enforcement, make recommendations to the At-  
20 torney General for restricting the manufacture, sale,  
21 distribution, and possession of domestic-made semi-  
22 automatic assault weapons and large capacity am-  
23 munition feeding devices meeting the criteria set  
24 forth in subsection (e);

1 (2) establish procedures for making the rec-  
2 ommendations required in paragraph (1) and for  
3 identifying the nature and extent of the restrictions  
4 recommended;

5 (3) conduct public hearings and meetings on  
6 recommendations proposed by private citizens, law  
7 enforcement, and the Commission; and

8 (4) together with the recommendations required  
9 in paragraph (1), transmit to the Attorney General  
10 a report containing the Commission's findings and  
11 conclusions based on a review and analysis of infor-  
12 mation submitted to and collected by the Commis-  
13 sion.

14 (e) ATTORNEY GENERAL'S DUTIES.—

15 (1) ACTION BASED ON RECOMMENDATIONS.—  
16 Within 30 days of receipt by the Attorney General  
17 of any recommendations of the Commission, the At-  
18 torney General shall—

19 (A) reject the recommendations in whole of  
20 the Commission; or

21 (B) accept the recommendations, in whole  
22 or in part, of the Commission and commence a  
23 public process, pursuant to the Administrative  
24 Procedure Act, for issuing regulations based on  
25 the Commission's recommendations.

1           (2) EFFECT.—(A) If the Attorney General re-  
2       jects the recommendations of the Commission pursu-  
3       ant to paragraph (1)(A), recommendations with re-  
4       spect to the semiautomatic assault weapons and  
5       large capacity ammunition feeding devices shall be  
6       deemed terminated for the year in which they were  
7       transmitted to the Attorney General.

8           (B) If the Attorney General accepts the rec-  
9       ommendations of the Commission pursuant to para-  
10      graph (1)(B), the Attorney General shall not be  
11      bound by the recommendations, but may, based on  
12      information received during public hearings and  
13      through notices published in the Federal Register  
14      pursuant to the Administrative Procedure Act—

15           (i) make changes in any of the  
16           recommendations and impose such restrictions,  
17           as the Attorney General determines necessary;  
18           or

19           (ii) publish notice in the Federal Register  
20           that no further action will be taken on the rec-  
21           ommendations of the Commission.

22           (3) SUBMISSION TO CONGRESS.—Contempora-  
23      neous with publication of final regulations in the  
24      Federal Register, the Attorney General shall submit  
25      the recommendations of the Department of Justice,

1       which comprise the final regulations, together with  
2       such regulations, to the appropriate committees of  
3       the Congress.

4       (f) EFFECTIVE DATE OF REGULATIONS.—The effec-  
5       tive date of regulations issued by the Attorney General  
6       pursuant to subsection (e) shall be 90 days after such reg-  
7       ulations are published in the Federal Register and submit-  
8       ted, together with the recommendations of the Attorney  
9       General, to the appropriate committees of Congress.

10      (g) CONGRESSIONAL CONSIDERATION OF COMMIS-  
11      SION REPORT.—

12           (1) IN GENERAL.—Implementation of regula-  
13       tions submitted to the Congress under subsection (e)  
14       may be terminated only if a joint resolution (de-  
15       scribed in paragraph (2)) disapproving such regula-  
16       tions is enacted, in accordance with the provisions of  
17       paragraph (3), before the end of the 90-day period  
18       beginning on the date on which such final regula-  
19       tions were published in the Federal Register and the  
20       recommendations were submitted to the appropriate  
21       committees of Congress. For purposes of applying  
22       the preceding sentence and paragraphs (2) and (3),  
23       the days on which either House of Congress is not  
24       in session because of an adjournment of more than

1 3 days to a day certain shall be excluded in the com-  
2 putation of a period.

3 (2) TERMS OF THE RESOLUTION.—A joint reso-  
4 lution described in this paragraph means only a joint  
5 resolution which is introduced within the 10-day pe-  
6 riod beginning on the date on which the Attorney  
7 General submits recommendations and a copy of the  
8 regulations under subsection (e) and—

9 (A) which does not have a preamble;

10 (B) the matter after the resolving clause of  
11 which is as follows: “That Congress disapproves  
12 the recommendations of the Attorney General,  
13 as contained in the regulations published by the  
14 Attorney General in the Federal Register on  
15 \_\_\_\_\_,” the blank space being filled in  
16 with the appropriate date; and

17 (C) the title of which is as follows: “Joint  
18 resolution disapproving the recommendations of  
19 the Attorney General”.

20 (3) PROCEDURES FOR CONSIDERATION OF RES-  
21 OLUTION OF APPROVAL.—Subject to paragraph (4),  
22 the provisions of section 2908 (other than subsection  
23 (a)) of the Defense Base Closure and Realignment  
24 Act of 1990 shall apply to the consideration of a  
25 joint resolution described in paragraph (2) in the

1 same manner as such provisions apply to a joint res-  
2 olution described in section 2908(a) of such Act.

3 (4) SPECIAL RULES.—For purposes of applying  
4 paragraph (3) with respect to such provisions—

5 (A) any reference to the Committee on  
6 Armed Services of the House of Representatives  
7 shall be deemed a reference to an appropriate  
8 committee of the House of Representatives  
9 (specified by the Speaker of the House of Rep-  
10 resentatives at the time of submission of rec-  
11 ommendations under subsection (e)) and any  
12 reference to the Committee on Armed Services  
13 of the Senate shall be deemed a reference to an  
14 appropriate committee of the Senate (specified  
15 by the Majority Leader of the Senate at the  
16 time of submission of recommendations under  
17 subsection (e)); and

18 (B) any reference to the date on which the  
19 President transmits a report shall be deemed a  
20 reference to a date on which the Attorney Gen-  
21 eral submits recommendations under subsection  
22 (e).

23 (h) DEFINITIONS.—

24 (1) SEMIAUTOMATIC ASSAULT WEAPON.—The  
25 term “semiautomatic assault weapon” means—

1 (A) any of the firearms, or types, replicas,  
2 or duplicates in any caliber of the firearms  
3 known as—

4 (i) Norinco, Mitchell, and Poly Tech-  
5 nologies Avtomat Kalashnikovs (all mod-  
6 els);

7 (ii) Action Arms Israeli Military In-  
8 dustries UZI and Galil;

9 (iii) Beretta AR-70 (SC-70);

10 (iv) Colt AR-15 and Sporter;

11 (v) Fabrique Nationale FN/FAL, FN/  
12 LAR, and FNC;

13 (vi) SWD M-101 M-11; M 11-9; and  
14 M-12;

15 (vii) INTRATEC TEC-9, TEC-DC9  
16 and TEC-22; and

17 (viii) any shotgun which contains its  
18 ammunition in a revolving cylinder, such  
19 as but not limited to, the Street Sweeper  
20 and Striker 12;

21 (B) a semiautomatic rifle that has an abil-  
22 ity to accept a detachable magazine and has at  
23 least 2 of—

24 (i) a folding or telescoping stock;

- 1 (ii) a pistol grip that protrudes con-  
2 spicuously beneath the action of the weap-  
3 on;
- 4 (iii) a bayonet mount;
- 5 (iv) a flash suppressor or barrel hav-  
6 ing a threaded muzzle; and
- 7 (v) a grenade launcher;
- 8 (C) a semiautomatic pistol that has an  
9 ability to accept a detachable magazine and has  
10 at least 2 of—
- 11 (i) an ammunition magazine that at-  
12 taches to the pistol outside of the pistol  
13 grip;
- 14 (ii) a barrel having a threaded muzzle;
- 15 (iii) a shroud that is attached to, or  
16 partially or completely encircles, the barrel  
17 and that permits the shooter to hold the  
18 firearm with the nontrigger hand without  
19 being burned;
- 20 (iv) a manufactured weight of 50  
21 ounces or more when the pistol is un-  
22 loaded; and
- 23 (v) a semiautomatic version of an  
24 automatic firearm; and

1 (D) a semiautomatic shotgun that has at  
2 least 2 of—

3 (i) a folding or telescoping stock;

4 (ii) a pistol grip that protrudes con-  
5 spicuously beneath the action of the weap-  
6 on;

7 (iii) a fixed magazine capacity in ex-  
8 cess of 5 rounds; and

9 (iv) an ability to accept a detachable  
10 magazine.

11 (2) LARGE CAPACITY AMMUNITION FEEDING  
12 DEVICE.—The term “large capacity ammunition  
13 feeding device” means—

14 (A) a magazine, belt, drum, feed strip, or  
15 similar device that has a capacity of, or that  
16 can be readily restored or converted to accept,  
17 more than 10 rounds of ammunition;

18 (B) any combination of parts from which  
19 a device described in clause (i) can be assem-  
20 bled; but

21 (C) does not include an attached tubular  
22 device designed to accept, and capable of oper-  
23 ating only with .22 caliber rimfire ammunition.

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