

105TH CONGRESS
1ST SESSION

H. R. 1147

To repeal the prohibitions relating to semiautomatic firearms and large capacity ammunition feeding devices.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. PAUL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To repeal the prohibitions relating to semiautomatic firearms and large capacity ammunition feeding devices.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Second Amendment
5 Restoration Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Second Amendment protects the rights
9 of individual persons to keep and bear arms, includ-
10 ing semi-automatic firearms.

1 (2) Article I, Section 8 of the United States
2 Constitution grants Congress no authority to enact
3 gun control legislation. For example, in United
4 States v. Lopez (1995), the Supreme Court struck
5 down a gun control law on the grounds that the
6 Congress did not have authority under the Com-
7 merce Clause to enact such legislation.

8 (3) The United States Senate Subcommittee on
9 the Constitution reported in 1982 that, “In the Mili-
10 tia Act of 1792, the second Congress defined ‘militia
11 of the United States’ to include almost every free
12 adult male in the United States. These persons were
13 obligated by law to possess a (military-style) firearm
14 and a minimum supply of ammunition and military
15 equipment. . . . There can be little doubt from this
16 that when the Congress and the people spoke of the
17 a ‘militia,’ they had reference to the traditional con-
18 cept of the entire populace capable of bearing arms,
19 and not to any formal group such as what is today
20 called the National Guard.”

21 (4) The Supreme Court stated in United States
22 v. Miller (1939) that, “The Militia comprised all
23 males physically capable of acting in concert for the
24 common defense . . . (and) when called for service,
25 these men were expected to appear bearing arms

1 supplied by themselves and the kind in common use
2 at the time.”

3 (5) High capacity semi-automatic firearms are
4 excellent for self-defense. These firearms are the
5 very guns which Korean merchants used to defend
6 themselves during the 1992 Los Angeles riots. These
7 firearms provided to be extremely useful to the Ko-
8 reans, as their stores were left standing while other
9 stores around them were burned to the ground.

10 (6) Semi-automatic weapons are not the guns
11 most frequently used in crime. The Bureau of Jus-
12 tice Statistics reported in 1993 that violent criminals
13 only carry or use a “military-type gun” in about one
14 percent of the crimes nationwide.

15 (7) Tracing is not a reliable indicator of which
16 guns are used in crime, and is thus a poor indicator
17 of how often so-called semi-automatic weapons are
18 misused. The Congressional Research Service re-
19 ported in 1993 that, “Firearms selected for tracing
20 do not constitute a random sample and cannot be
21 considered representative of the larger universe of all
22 firearms used by criminals.”

23 (8) Agents from the Bureau of Alcohol, To-
24 bacco and Firearms (BATF) have themselves stated
25 that, “BATF does not always know if a firearm

1 being traced has been used in a crime.” For example
2 in 1989 in Los Angeles, “assault rifles” represented
3 approximately only 3 percent of guns seized, but 19
4 percent of gun traces.

5 (9) The National Association of Chiefs of Police
6 found in its 1992 poll that 66.7 percent of law en-
7 forcement agency heads agree that “law-abiding citi-
8 zens should have the right to purchase any type of
9 firearm (including semi-automatic weapons) for
10 sport or self-defense under state laws that now
11 exist.” Moreover, the same poll found that 89.6 per-
12 cent of the respondents did not believe that “ban-
13 ning (military-style) weapons would reduce criminals
14 from obtaining them.”

15 **SEC. 3. REPEAL OF THE PROHIBITIONS RELATING TO SEMI-**
16 **AUTOMATIC ASSAULT WEAPONS AND LARGE**
17 **CAPACITY AMMUNITION FEEDING DEVICES.**

18 (a) Section 922 of title 18, United States Code,
19 is amended by striking subsections (v) and (w) and
20 by striking the appendix.

21 (b) Section 921(a) of such title is amended by
22 striking paragraphs (31) and (32).

23 (c) Section 923(i) of such title is amended by
24 striking the last 2 sentences.

1 (d) Section 924(a)(1)(B) of such title is amend-
2 ed by striking “(r), (v), or (w)” and inserting “or
3 (r)”.

4 (e) Section 924(c)(1) of such title is amended
5 by striking “short-barreled shotgun, or semiauto-
6 matic assault weapon,” and inserting “or short-bar-
7 reled shotgun”.

8 (f) Title XI of the Violent Crime Control and
9 Law Enforcement Act of 1994 is hereby repealed.

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