



**Memorandum**

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**SUBJECT:** ATF Firearms Testing Procedures

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This memorandum has been written in response to several congressional inquiries about firearms testing procedures employed by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and whether those procedures are outlined in a manual. Regarding this matter, ATF officials have informed the Congressional Research Service that there is no single "firearms testing procedures manual," given the wide variety of firearms available in both legal and illegal markets. Critics of ATF, who have requested congressional verification as to whether such a manual exists, have questioned the adequacy of ATF firearms testing procedures — particularly in regard to machine guns and other firearms regulated under the National Firearms Act.<sup>1</sup> To address issues raised by ATF critics, in part, Representative Phil Gingrey has introduced the Fairness in Firearm Testing Act (H.R. 1603) that would require ATF to make video recordings of all firearms and ammunition tests.

**Background**

ATF is the lead federal agency charged with administering and enforcing federal firearms laws. Two major statutes regulate the commerce in, and possession of, firearms: The National Firearms Act (NFA) of 1934<sup>2</sup> and the Gun Control Act of 1968,<sup>3</sup> as amended. Congress passed the NFA to limit the availability of machine guns, short-barreled rifles and shotguns, silencers, and a "catch-all" class of other "concealable" firearms identified as "any other weapon."<sup>4</sup> Many of these weapons were considered particularly lethal and often the

<sup>1</sup> Len Savage, "Why the ATF's Firearm Testing Procedures are Scientifically Invalid," (Summer 2005), 6 pp. Available at [<http://www.jpfo.org/savage2.htm>].

<sup>2</sup> 73<sup>rd</sup> Congress, P.L. 474, June 26, 1934, 48 Stat. 1236. The NFA is codified at 26 USC, Chapter 53, §5801 et seq.

<sup>3</sup> P.L. 90-618; 82 Stat. 1213; codified at 18 USC, Chapter 44, §921 et seq.

<sup>4</sup> The term "any other weapon" was derived from the NFA definition of firearm, which included firearms "capable of being concealed on the person" that were not pistols or revolvers. Such firearms (continued...)

