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Curios and Relics [4]

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Sheet1

	DSAA					Survey			
Country	M1 Garand	Carbine	M1911	Total		M1 Garand	Carbine	M1911	Total
South Korea	299061	999641	12811	1311513		73000	660000	5549	738549
Turkey	136670		48546	185216		150000			150000
Pakistan	118627		13	118640					0
Vietnam	102641	127891	88925	319457					0
Italy	100000			100000					0
Philippines	32705	15	27632	60352		48717	3	4767	53487
Paraguay	30749		138	30887					0
Indonesia	24418		1429	25847		21000			21000
Cambodia	23009	31207	16439	70655					0
Jordan	18827			18827		8000			8000
Laos	13160	1245	2968	17373					0
Thailand	8854	15066	11041	34961					0
Guatemala	8549	5000	1141	14690					0
Uruguay	7422	7424	1552	16398		7221	6746	1048	15015
Tunisia	6636	160	92	6888		8213	160	1000	9373
Greece	5607	32002	10834	48443		173643	6356	37200	217199
Lebanon	5000		100	5100					0
Bolivia	4034	9033	1213	14280		5685	8598	1154	15437
Liberia	3850	767	5087	9704					0
Ethiopia	2086	2287		4373					0
Honduras	1369	5150	1677	8196					0
Taiwan	1309	2398	743	4450					0
Chile	1181	266	1510	2957					0
Colombia	957		221	1178					0
El Salvador	786		916	1702					0
Iran	32		27914	27946					0
Panama	30	79	409	518					0
Costa Rica		6000	1026	7026		100		26	126
Nigeria		100		100					0
Ecuador		30	30	60		500	3000	2000	5500
Saudi Arabia			5000	5000		750	600	5000	6350
Dominican Republic			1500	1500					0
Japan			1168	1168		2064			2064

Sheet1

Morocco			1130	1130				1044	1044
Fiji			57	57					0
St. Vincent/Grenadines			54	54					0
St. Kitts, St. Lucia			44	44					0
Peru			10	10				252	252
Canada	102			102		132	7796	8542	16470
Austria						500	6768	544	7812
Denmark									0
Germany									0
India									0
Turkey						150,000			150000
Finland						500	550	2000	3050
Nicaragua						2500	2500	2500	7500
Argentina									0
Zimbabwe						100	150	100	350
Brazil									
UK						6	2	2	
Russia									
Australia									
Norway						500	50	20	570
Grand Totals	957671	1245761	273370			653131	703279	72748	
Note: Survey grand totals are still in progress as we are waiting to hear from 14 posts, and some posts that have already responded will be providing additional data.									
Other posts have noted that they are unable to provide any data because of national security reasons, or lack of accurate records.									

October 31, 1997

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that allows the importation of large quantities of surplus military weapons.

The Administration finds it unacceptable that -- in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets -- the Committee is considering language that could flood our streets with millions of surplus military weapons. These weapons, especially M-1 carbines, M-1 Garrands and M-1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid over the past several decades. Moreover, thousands of these firearms have already been used in crimes, including crimes that have taken the lives of law enforcement officers. Opening the door to more of these weapons would only serve to further undermine public safety.

We urge the Committee to reject this provision.

Sincerely,

Franklin Raines



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

10/30/97

FROM: TINO CUELLAR

PAGES INCLUDING
COVER: 6

TO: LEONNE SHIMABUKORO

OFFICE OR AGENCY: WH DOMESTIC POLICY COUNCIL

PHONE: (202) 456-5574

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COMMENTS: REGARDS.

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DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

September 24, 1997

MEMORANDUM FOR: Leanne Shimabukoro
White House Domestic Policy Council

FROM: Tino Cuellar
U.S. Department of the Treasury

SUBJECT: Curio or relic surplus weapons

I wanted to send you some information on the curio or relic military surplus weapons issue in case you need it for future reference. Since many of the interest groups pressing for the change in the law will likely make another attempt next year, it may be useful to have ready material so you can use it.

Please find attached:

- 1) A cleared set of talking points on curio or relic military surplus weapons; and
- 2) A copy of the Congressional Register material covering the circumstances under which the Murtha Amendment was dropped.

I hope all continues to go well and I look forward to talking to you soon.

"CURIO OR RELIC" SURPLUS MILITARY WEAPONS

◦**THE MURTHA AMENDMENT WOULD LET U.S-ORIGIN SURPLUS MILITARY GUNS FLOW INTO THE UNITED STATES:** An amendment offered by Rep. Murtha would allow the importation of U.S. origin surplus military weapons acquired by other countries from the United States. The amendment would prohibit the use of appropriated funds by any Federal agency to deny an application for a permit to import United States origin military rifles and handguns that are curios or relics¹, including parts and ammunition for such firearms. Last year, an effort was made in the Commerce, Justice, and State Appropriations bill to force the Departments of State and Treasury to allow the importation of all of these weapons, regardless of the foreign policy considerations. That attempt was unsuccessful.

◦**MILLIONS OF GUNS ARE AT ISSUE:** According to the State Department's Bureau of Politico-Military Affairs, over 2.5 million U.S. manufactured guns now considered "curios and relics" were given or sold at deep discounts to foreign governments between 1950 and the present. These figures include 1.2 million M-1 carbines as well as 950,000 M-1 Garands and 270,000 M-1911 .45 caliber pistols.

◦**THESE WEAPONS MAY BE ESPECIALLY ATTRACTIVE TO CRIMINALS:** The Administration is particularly concerned about the M-1 carbine and the .45 caliber semiautomatic pistol. The M-1 carbine was not designed for sport or even personal defense, but for war. It can be turned into an automatic weapon (machine gun) with easily available parts costing about \$100 or less. The compact size of the carbine, its ability to accept large capacity magazines, and the ease with which it can be converted to a fully automatic weapon make it attractive for use as a crime gun. The .45 caliber semiautomatic pistol is a powerful, concealable handgun.

◦**THESE GUNS ARE DEADLY, AND HAVE BEEN RECOVERED FROM HUNDREDS OF CRIME SCENES:** Between September 1989 and today, the ATF's National Tracing Center traced 1,889 M-1 rifles and 2,663 M-1911 .45 caliber pistols recovered by law enforcement officers throughout the United States. Since January 1997 alone, ATF has traced nearly 1,000 of these weapons. Police officers' lives have been lost because of the use of these surplus weapons. In January of this year, two California Sheriff's Deputies, James Lehmann, Jr. and Michael Haugen, were killed with an M-1 carbine while responding to a domestic violence call. In 1994, Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty by an M-1 carbine.

¹The Bureau of Alcohol, Tobacco, and Firearms (ATF) defines "curios and relics" as (i) firearms that were manufactured at least 50 years prior to the current date; (ii) firearms that are certified by a municipal, State, or federal museum that exhibits firearms to be of museum interest; or (iii) any other firearm that derives a substantial part of its monetary value from the fact that it is novel, rare, bizarre, or associated with some particular historical figure, period, or event. By law, certain curios or relics not of U.S.-origin may be imported into the U.S. by licensed importers. These include curio or relic handguns that are particularly suited for sporting purposes and curio or relic rifles and shotguns. Firearms may not be imported from certain proscribed countries.

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◦**THE IMPORTATION OF THESE GUNS WOULD AFFECT THE ENTIRE MARKET FOR ILLEGAL FIREARMS:** The massive influx of deadly weapons at cheap prices would facilitate the illegal acquisition of guns throughout the United States. Already, thousands of these weapons have been used in crimes. The availability of hundreds of thousands of additional weapons at low prices could have an impact on the entire illegal market in firearms, particularly given the ease of converting these weapons to fully automatic fire.

◦**THE PROVISION WOULD LIMIT THE STATE DEPARTMENT'S ABILITY TO KEEP WEAPONS OUT FOR LEGITIMATE FOREIGN POLICY REASONS:** Currently, the Secretary of Treasury consults with the Secretary of State to prevent the importation of surplus military "curio or relic" firearms that originated in the United States. Under the Murtha Amendment, ATF would no longer be able to follow State Department guidance to deny permits for the importation of these firearms in the interest of foreign policy. The amendment could lead to the approval of any permit application for the issuance of permits to import U.S.-manufactured military weapons that were provided to foreign governments over the last several decades under military assistance programs, specifically the M-1 carbine, the M-1911 .45 caliber semiautomatic pistol, and the M-1 Garand rifle. Quantities of bolt action rifles and revolvers in .38 and .45 caliber would also be available for importation. The State Department's discretion to deny importation of these weapons for legitimate foreign policy reasons would disappear.

◦**ALLOWING THESE SURPLUS GUNS INTO THE COUNTRY GIVES IMPORTERS AND FOREIGN GOVERNMENTS A WINDFALL PROFIT:** Large quantities of these weapons were provided to foreign governments without cost or at very low cost. The amendment would eliminate the current requirement that proceeds of any sales be turned over to the United States government. Therefore, to the selling government, any profit is a windfall profit. Because the seller's price would be artificially low, the purchaser's profits are also windfall profits. In effect, this provision will result in a subsidy by U.S. taxpayers to both the selling government and the firearms importer.

September 17, 1997

CONGRESSIONAL RECORD—HOUSE

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Now, we are talking about whether or not Federal employees ought to have access to the same legal medical procedures as other Americans. Remember, these are people who are paying taxes to fund the health benefits of the people who work at General Electric. We spend \$80 billion every year subsidizing private sector health plans, and our Federal employees pay that. Yet you would deny them the same benefits that they are funding for other Americans.

If you want to make abortion illegal, bring the bill to the floor and let us vote on it; but do not make Federal employees second-class citizens. Do not make the kind of woman that the gentlewoman from New York [Mrs. Lowey] just described.

I have one here, but it takes too long to talk about it. Here was a 36-year-old mother, she and her husband dying to have a family. She had a child with no brain at all. On medical advice she was urged to abort it, did, wants to have another child. She is an older mother, there are risks. She is trying to preserve her fertility because she desperately wants to have not one child, but several. After extensive testing, the medical community said this child has no chance of life at all. It has no brain at all, and you need to abort it and go on.

So I just ask for equal treatment of Federal employees. It is only fair.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield the balance of my time to the gentlewoman from Connecticut [Ms. DELAULO], a woman who has been a fighter on this issue and so many others.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut is recognized for 30 seconds.

Ms. DELAULO. Mr. Chairman, I rise in strong support of this amendment, which will end the prohibition of abortion coverage for American women, coverage under the FEHD health plan. It seems that every time we turn around we see that some on the other side of the aisle would like to draw back the line of a woman's right to choose.

This is a constitutional right to choose. This is a choice and decision that should be made by a woman, her doctor, in consultation with her clergy, with her doctor. No matter what level, no matter where she lives, what she does for a living, every woman has a right to make this decision for her own. We have no right to take that decision away.

My colleagues to support this amendment. Let us stop discriminating against government workers.

CHAIRMAN. All time under the informed-consent agreement has expired.

Question is on the amendment offered by the gentlewoman from New York [Mrs. Lowey].

Amendment was rejected.

CHAIRMAN pro tempore. The bill will read.

The Clerk read as follows:

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS

SEC. 518. Notwithstanding any other provisions of law, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with the denial of an application for the importation of military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) submitted under section 38(b)(1)(B) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(B)), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988, if the application meets the otherwise applicable requirements of section 178.112 and 178.113 of title 27, Code of Federal Regulations (as in effect on January 1, 1996), and the application is not for the importation of articles on the United States Munitions Import List from a proscribed country. For purposes of the preceding sentence, the term "proscribed country" means a country with respect to which the proscriptions contained in section 47.65 of title 27, Code of Federal Regulations, apply.

POINT OF ORDER

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentlewoman will state her point of order.

Mrs. MCCARTHY of New York. Mr. Chairman, I make a point of order against section 518 on page 80 because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part no amendment to a general appropriations bill shall be in order if in changing law. The amendment does not apply solely to the appropriations under consideration.

I am asking for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Maryland [Mr. HOYER] wish to be heard on the point of order?

Mr. HOYER. Yes.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. HOYER. Mr. Chairman, reserving the right to speak on the point of order, we will concede the point of order. We have reviewed it, and the gentlewoman is correct.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, we would concede the point of order is correct. While I strongly favor this provision, given the circumstances that this bill is brought to the floor, this provision is clearly legislation on an appropriations bill.

Mrs. MCCARTHY of New York. Mr. Chairman, if section 518 were passed as part of the

Treasury and Postal Operations Appropriation bill, I believe the result would be an increase in gun violence and increased danger to the lives and safety of our Nation's police officers.

Section 518 would effectively allow foreign governments to resell millions of dangerous, high-powered M1 carbine semiautomatic weapons, M-1 garand rifles, and .45 caliber M1911 pistols in the United States as curios and relics. Importing such high-powered weapons would flood the U.S. gun market, thereby lowering the price of these military weapons, making them more affordable for dangerous criminals.

Congressman PATRICK KENNEDY and Congresswoman CAROLYN MALONEY introduced legislation earlier this year that would help keep our streets safe by permanently banning the importation of these military weapons. The point of order offered today will only prevent the importation of such weapons for 1 year. It is time for Congress to follow Mr. KENNEDY's leadership and pass his bill to provide protection for America's families and police officers by ending the importation of these high-powered military weapons once and for all.

If anyone thinks that these curios and relics are not dangerous and should be imported freely into the United States, I would like to draw their attention to two critical facts. First, with the addition of three inexpensive pieces of hardware, the M-1 carbine—a semiautomatic weapon—can be easily converted into an automatic submachine gun with the potential of firing up to 30 rounds in a matter of seconds. This would effectively squash any rapid response law enforcement officers could ever hope to give.

Second, in the last several years, police officers have been killed and crimes committed at an alarming rate by these dangerous weapons. Nine officers have lost their lives to these so-called relics since 1990. According to the Bureau of Alcohol, Tobacco and Firearms, nearly 2,000 M-1 garand rifles and M1911 pistols were traced to crime scenes in 1995 and 1996. In New York, 71 of these so-called curios and relics were linked to crimes committed during the past 2 years.

Foreign governments should not be allowed to profit off of our misery. We need to make sure that we put a stop to that while trying to reduce gun violence. It is bad policy to allow anyone, including our own Government, to profit off of the agony and pain of others.

Gun violence takes a serious financial toll on our society and on our Nation's healthcare system. According to a May 1997 Violence Policy Center study, firearm injuries cost society approximately \$20.4 billion in 1990. Of that figure, at least \$17.4 billion represents the value of lost productivity due to premature deaths. According to the Center to Prevent Handgun Violence, direct healthcare expenditures for firearm-related injuries in the United States in 1995 was \$4 billion. This figure is high because firearm wounds are the most costly injuries to treat.

Aside from the physical healing that takes place after gun violence there is also the emotional healing. Gun violence leaves families in shambles. It leaves the loved-ones to pick up the pieces of their lives and an empty hole in the hearts of family and friends that can never again be filled. I know from my own experience that gun violence can completely alter the course of a person's life—it did mine.

Congress shouldn't allow foreign countries to dump their weapons in our country. We all

know what happens when high-powered weapons fall into the hands of the wrong people. Although some may consider these weapons collectors' items, they are lethal weapons. We need to permanently end the importation of these weapons.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to join in raising the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order?

The point of order is conceded and sustained, and section 518 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 519. No funds appropriated for the United States Postal Service under this or any other Act may be expended by the Postal Service to expand the Global Package Link Service.

POINT OF ORDER

Mr. MCHUGH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. MCHUGH. Mr. Chairman, section 519, found on page 81, lines 13 through 16 of the legislation before us, applies not only to current appropriations, but incorporates by reference the permanent appropriations authority contained in title 39 United States Code section 2401(a), and thus violates clause 2 of rule XXI of the House prohibiting reporting a provision which changes existing law.

The CHAIRMAN pro tempore. Does any other Member wish to be on the point of order heard?

Mrs. NORTHUP. Mr. Chairman, regarding the point of order, I understand this provision is probably subject to a point of order and will be stricken, but I want to reserve my right to strike the last word after it is completed and make a few comments.

The CHAIRMAN pro tempore. Does the gentleman from Pennsylvania [Mr. FATTAH] wish to be heard on the point of order?

Mr. FATTAH. Mr. Chairman, I rise as the ranking minority Member on Postal Service in support of the point of order, and would hope that the Chair would concur that clause 2 of rule XXI would be in play as relates to this amendment, and that it should be struck because it attempts to add legislative language to an appropriations bill.

The CHAIRMAN pro tempore. Does the gentleman from Maine [Mr. ALLEN] wish to be heard on the point of order?

Mr. ALLEN. Mr. Chairman, the point of order just made by the gentleman from New York [Mr. MCHUGH] was made against section 519 of the bill, which would restrict the U.S. Postal Service's Global Package Link System.

to prohibit is the expansion of the Global Package Link System by the Postal Service.

In changing the authority governing the Postal Service's operations, it violates the House rule against legislating on an appropriations bill.

Legislation affecting the Postal Service is clearly within the jurisdiction of the Committee on Government Reform and Oversight, on which I serve. The committee will be looking at Global Package Link as part of postal reform, and that is an appropriate course for review, rather than through this rider.

The Global Package Link, or GPL, is a valuable program that helps U.S. businesses gain new markets and opportunities overseas, which means more jobs here at home. GPL was established by the Postal Service at the request of U.S. catalog companies, who wanted a faster and better way to ship their packages to international customers.

One of these customers is L.L. Bean, which is in my districts in Freeport, Maine. GPL is good for American business and good for jobs. It is innovative. Other competitors like UPS could establish similar systems and streamline their own overseas delivery service.

The CHAIRMAN pro tempore. The Chair would ask the gentleman to confine his remarks to the point of order and not the merits of the section.

Does the gentleman from Arizona wish to be heard?

Mr. KOLBE. Just to say, reluctantly, I accept the point of order, that it is legislation on the appropriations bill. Given the circumstances of bringing this bill to the floor, this would not be in order on this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard?

Mr. HOYER. Mr. Chairman, we concede the point of order on this side.

The CHAIRMAN pro tempore. The point of order is conceded and sustained, and section 519 is stricken from the bill.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Global Package Link provision, authored by Representative Northrup, (R-KY) would prohibit the United States Postal Service (USPS) from expanding its Global Package Link international parcel service for one year, while a Government Accounting Office (GAO) report is completed on the issue of international mail. The GPL, an "electronic Customs preparatory system" was developed by the USPS in direct response to its customers demands. It allows our nation's largest and leading retailers such as Lands' End, Neiman Marcus, J.C. Penny, L.L. Bean and others to deliver merchandise to their catalog customers in the United Kingdom, Canada, and Japan. These and many other companies support and rely upon the Postal Service to send their products via the GPL service.

By way of legitimately responding to a postal matter under the jurisdiction of the Sub-

any unfair advantages over shipments by private carriers. We expect to have a report on this matter early next year.

The Blair Corporation, a large mail company located in my State of Pennsylvania, provided some very thoughtful comments on the Northrup provisions. Thoughtful, because unlike the numerous mail-order firms using the Postal Service's GPL service, Blair is not a current user. The President of Blair Corporation states:

"We cannot believe that our Company would stop a valuable international delivery service, which has become very important in expanding the exports of U.S. direct mail companies, and could become the means by which our company and others like it are to enter the international market, without a hearing before the appropriate Committee of Congress, which understand postal operations and their importance to the direct mail industry."

This attempt to prevent the Postal Service from operating as any other business when so many in the Congress as well as the business community have pleaded with the Postal Service to become more businesslike and more efficient, is ironic. Global Postal and other Postal Service innovations are a direct response by the Postal Service to the pleas. This amendment will wipe out an important Postal Service effort to become more businesslike and will represent a serious threat to many mail order companies and damage this country's export efforts. We urge you to reject this effort to end-run the authorization committees and vote "yes" to strip the "Northrup" Amendment from H.R. 2378.

In conclusion, the Northrup provision is framed as a limitation on funds, but contains legislative language. It does not belong on an appropriation bill. This is a violation of House Rules.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, understanding that the last provision that we struck was the Global Package Link freeze for one year, I just want to take this opportunity to comment on the importance of this issue.

We all believe that we need to expand all trading opportunities that businesses in this country have. In particular it is important that we open and expand opportunities for overnight delivery services.

The concern that the committee has and that I raised in the committee is that when we open these opportunities we should not allow the United States Post Office to create a monopoly, that only they can deliver overnight packages.

That is what you do when our government, a government entity, negotiates with another government, that this overnight link occurs only if the packages are brought in by the Postal Service.

These arrangements allow the Postal Office to bypass both customs price-wise and time-wise, so that they can deliver overnight and no private carriers can. We believe all private carriers should have an opportunity to

DRAFT v2

5/8/98

Importation of M-1 Garands

THE U.S. GOVERNMENT HAS FOREIGN POLICY AUTHORITY TO KEEP OUT CURIO AND RELIC FIREARMS, INCLUDING M-1 GARANDS:

- Despite their age and appearance, M-1 Garands are still functional firearms that can be subjected to a variety of uses inconsistent with the aims of U.S. foreign policy.
- Under the Arms Export Control Act and the Foreign Assistance Act of 1961, the State Department has authority to make recommendations, based on foreign policy, regarding the importation of firearms that were originally transferred from the U.S. government to foreign governments. This includes authority to recommend against the importation of M-1 Garands.

THE STATE DEPARTMENT CURRENTLY REQUIRES END USE ASSURANCES FOR U.S. ORIGIN WEAPONS:

- When the U.S. helps a government obtain weapons for foreign policy reasons, there is an interest in knowing where these weapons end up.
- As part of an existing process to fully evaluate the foreign policy implications of weapons transfers, the State Department requires that the recipient foreign governments request permission for weapons' retransfer and provide assurances of their end use.
- Denying authority to import weapons where foreign governments did not request permission for retransfer is a means of discouraging foreign governments from transferring weapons -- provided by the U.S. government for foreign policy reasons -- without the consent of the State Department.
- Moreover, the State Department is generally against retransfer of these weapons to the private sector, because it is difficult to monitor their end use after this transfer.
- In most cases, applications for importation of curio or relic weapons such as M-1 Garands involve firearms that were provided to foreign governments by the U.S.
- The foreign governments involved generally have not presented retransfer requests or end use assurances for these weapons.
- If an importer alleges that the weapons were not originally provided by (or purchased from) the U.S. government, or that retransfer authority was in fact requested and received by the relevant governments, the burden is on the importer to prove this.
- The system of retransfer and end use authorization is the best way for the U.S.

government to be assured that these weapons -- even those that were manufactured years ago but are still functional -- are not used improperly.

THE 1968 GUN CONTROL ACT IS NOT A SUBSTITUTE FOR ASSURANCES CURRENTLY REQUIRED BY THE STATE DEPARTMENT:

- As they currently exist, the system of requirements set up by the 1968 Gun Control Act administered by ATF are not a substitute for the end use and retransfer assurances currently required by the State Department.
- Under the provisions of the 1968 Gun Control Act, ATF can trace firearms found at crime scenes through their serial numbers -- if traces are requested by the relevant law enforcement agencies. Even where traces are requested, information is not always complete or updated.
- Thus, ATF could not monitor and assure the appropriate end use of M-1 Garands or other curio or relic weapons imported to the U.S.

CURIO AND RELIC WEAPONS, INCLUDING THE M-1 GARAND, CAN BE DEADLY:

- Weapons known as curios and relics are generally of excellent quality and operating condition. Since January 1997, ATF has traced nearly 1,000 curio or relics from crime scenes throughout the United States.
- ATF trace data currently is far from comprehensive. Although the presence of ATF trace data on a particular firearm may be a strong indication of the weapon's presence at crime scenes, the absence of trace data on a weapon should not be taken as an indication that a weapon fails to be used in crime or other improper purposes.

Importation of M-1 Garands

THE U.S. GOVERNMENT HAS FOREIGN POLICY AUTHORITY TO KEEP OUT CURIO AND RELIC FIREARMS, INCLUDING M-1 GARANDS:

- Despite their age and appearance, M-1 Garands are still functional firearms that can be subjected to a variety of uses inconsistent with the aims of U.S. foreign policy.
- Under the Arms Export Control Act and the Foreign Assistance Act of 1961, the State Department has authority to make recommendations, based on foreign policy, regarding the importation of firearms that were originally transferred from the U.S. government to foreign governments. This includes authority to recommend against the importation of M-1 Garands.

THE STATE DEPARTMENT CURRENTLY REQUIRES END USE ASSURANCES FOR U.S. ORIGIN WEAPONS:

- When the U.S. helps a government obtain weapons for foreign policy reasons, there is an interest in knowing where these weapons end up.
- As part of an existing process to fully evaluate the foreign policy implications of weapons transfers, the State Department requires that the recipient foreign governments request permission for weapons' retransfer and provide assurances of their end use.
- Denying authority to import weapons where foreign governments did not request permission for retransfer is a means of discouraging foreign governments from transferring weapons -- provided by the U.S. government for foreign policy reasons -- without the consent of the State Department.
- Moreover, the State Department is generally against retransfer of these weapons to the private sector, because it is difficult to monitor their end use after this transfer.
- In most cases, applications for importation of curio or relic weapons such as M-1 Garands involve firearms that were provided to foreign governments by the U.S.
- The foreign governments involved generally have not presented retransfer requests or end use assurances for these weapons.
- If an importer alleges that the weapons were not originally provided by (or purchased from) the U.S. government, or that retransfer authority was in fact requested and received by the relevant governments, the burden is on the importer to prove this.
- The system of retransfer and end use authorization is the best way for the U.S.

government to be assured that these weapons -- even those that were manufactured years ago but are still functional -- are not used improperly.

**THE 1968 GUN CONTROL ACT IS NOT A SUBSTITUTE FOR ASSURANCES
CURRENTLY REQUIRED BY THE STATE DEPARTMENT:**

- As they currently exist, the system of requirements set up by the 1968 Gun Control Act administered by ATF are not a substitute for the end use and retransfer assurances currently required by the State Department.
- Under the provisions of the 1968 Gun Control Act, ATF can trace firearms found at crime scenes through their serial numbers -- if traces are requested by the relevant law enforcement agencies. Even where traces are requested, information is not always complete or updated.
- Thus, ATF could not monitor and assure the appropriate end use of M-1 Garands or other curio or relic weapons imported to the U.S.

CURIO AND RELIC WEAPONS, INCLUDING THE M-1 GARAND, CAN BE DEADLY:

- Weapons known as curios and relics are generally of excellent quality and operating condition. Since January 1997, ATF has traced nearly 1,000 curio or relics from crime scenes throughout the United States.
- ATF trace data currently is far from comprehensive. Although the presence of ATF trace data on a particular firearm may be a strong indication of the weapon's presence at crime scenes, the absence of trace data on a weapon should not be taken as an indication that a weapon fails to be used in crime or other improper purposes.

TOM DASCHLE
SOUTH DAKOTA

United States Senate
Office of the Democratic Leader
Washington, DC 20510-7020

May 4, 1998

MAY 11 1998

Mr. Erskine Bowles
Chief of Staff
The White House
Washington, DC 20501

Dear Erskine:

I am told that both Rep. Bill Hefner and Sen. Jay Rockefeller have raised with you the matter of the import licensing of antique curio and relic firearms of U.S. origin. This issue came to my attention last fall because it affects several small companies in South Dakota that conduct business with the primary importer of these firearms, Blue Sky Productions, Inc., of West Virginia. My constituents contend that they are facing bankruptcy because the State Department has arbitrarily denied import licenses for U.S. origin firearms for largely symbolic reasons.

I fully support the ban on the importation of semi-automatic assault weapons and understand the Administration's cautious approach to the importation of firearms. My constituents argue, however, that the rifles to be imported by Blue Sky Productions are collectors' items that are not substantially different than rifles currently sold at U.S. sporting goods stores. Furthermore, while they are prepared to accept the fact that the initial import plan is not acceptable to the U.S. government, they continue to hope that a scaled-back proposal that would allow them to recoup their investment might be feasible.

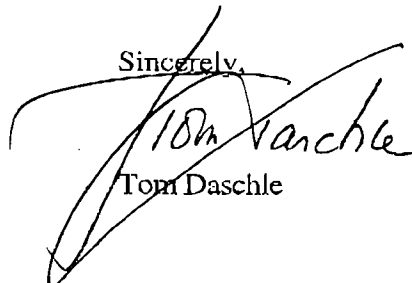
I understand that Bill Hefner has outlined the history of Blue Sky Productions' dialogue with the State Department on this issue. While I won't rehash that history, I would like to highlight two points.

First, there seems to be no dispute that the importation of antique curio and relic firearms of U.S. origin is legal under the Arms Export Control Act. Second, Blue Sky Productions has agreed to dramatically reduce its initial import plan by abandoning the M-1 Carbines and M-1911 A-1 pistols and proposing to only import the M-1 Garand. I am told this revised plan would reduce the volume of guns to be imported from nearly 1 million to around 113,000 over two years. Furthermore, I understand the M-1 Garand is a fixed magazine gun that cannot be altered to accommodate a detachable magazine.

Both Bill and Jay have asked that you meet with representatives of Blue Sky Productions to discuss whether a compromise that addresses the Administration's concerns about the importation of firearms and allows the American small businesses that have invested in this plan to at least recoup their investment is feasible. I hope you or John will consider such a meeting.

With best wishes, I am

Sincerely,



Tom Daschle

cc: Mr. John Podesta

JOHN D. ROCKEFELLER IV
WEST VIRGINIA

United States Senate
WASHINGTON, DC 20510-4802

April 28, 1998

MAY 5 1998

Mr. Erskine Bowles
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear ~~Erskine~~, *Erskine*

I'm writing you on a matter that is very important to a small business in my state, and one of which I believe you are familiar — the issue of import licensing of antique curio and relic firearms of U.S. origin.

A West Virginia company, Gibbs Rifle, is a major subcontractor to Blue Sky Productions, Inc. As you may know, Blue Sky has not been able to obtain their Form 6 import permits. I understand that they have submitted numerous import applications to the BATF, but the State Department has continually prohibited a license from being issued. Without this contract, Gibbs Rifle has gone from a small business employing 39 workers down to only 4 at present, and now tells me they must sell their industrial park. This license is vital to Gibbs' continued survival in West Virginia. With it, they can continue to employ in West Virginia, albeit with a smaller, leased warehouse facility. Without it, they will close down, and the company will no longer operate in West Virginia.

Erskine, as you know, I voted for the 1994 Crime Bill that included legislation banning 19 specific types of semi-assault weapons. Further, I do not support the blanket importation of U.S.-origin military weapons from foreign governments that could potentially be converted into fully automatic weapons. However, I also believe that there has to be some reasonable approach to considering the import of some U.S. origin curios and relics that do not pose a risk to the public and can be resold to collectors in the United States.

From what I understand, the Arms Export Control Act (AECA), generally prohibits the return to, for sale in, the United States of U.S.-origin firearms or ammunition furnished to foreign governments and by correspondence from Barbara Larkin at the State Department, the AECA statute provides a limited exception from this ban for such firearms that are designated curios and relics, with respect to consultation between the Treasury and State Departments.

Mr. Erskine Bowles

April 28, 1998

Page 2

I've been told that Blue Sky's license application is for firearms that Blue Sky can document was purchased by the Korean government, not given by the U.S. government. Further, Blue Sky is willing to take off the table the issue of the M-1 Carbine, which has a detachable magazine. This compromise would take 90% of the deal off the table for them, and leave only the M-1 Garands for importation. As you may know, M-1 Garands are a fixed magazine gun that has a maximum capacity of 8 rounds. It cannot be altered to take a detachable magazine because there is no conversion kit made for it. From BATF's own statistics, it does not show up in their crime traces,

Further, Blue Sky is willing to provide a child safety lock with every one of these guns, free of charge, to the consumer. And they are willing to keep the imports of these M-1's capped to a total of approximately 125,000 guns over a 2-year period.

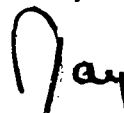
Again, Erskine, I fully understand and support the Administration's position against imports of any firearms that would proliferate the kind of violence that we see plague our streets, and that cause the kind of tragedies which have occurred in some of the nation's schools in recent days and months.

But again, I believe it is possible and essential for the Administration to take a reasonable and rational approach to considering gun imports that are in an entirely different category from the dangerous weapons you have every reason to ban.

I recognize the tremendous constraints on your schedule, but this is to ask you to personally sit down with representatives from Blue Sky and Gibbs Rifle to reach a compromise on a solution that addresses the Administration's concerns, but still keeps them in business. I believe they have put a very reasonable deal on the table — 90 percent of what they were asking for 18 months ago has been eliminated. Blue Sky and Gibbs have agreed that the license would only be for the importation of the M-1 Garand. They would suspend any efforts to try to import the M-1 Carbine or M-1911 A-1 (45) pistols.

Thank you for your personal attention to this issue. I know that you will give it your utmost consideration. As always, I send you my warmest regards.

Sincerely,



John D. Rockefeller IV

As always, Erskine, Thanks.



TIM JOHNSON
SOUTH DAKOTA

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SIOUX FALLS OFFICE:
PO BOX 1424
SIOUX FALLS, SD 57101
(605) 332-8896

TOLL FREE
1-800-537-0025

MAY 11 1998

May 7, 1998

Mr. Erskine Bowles
Chief of Staff
The White House
Washington, DC 20500

Dear Erskine:

I would like to express my hope that you could find time in your very busy schedule to meet with officials from Blue Sky Productions and Gibbs Rifle Company relative to their concerns that an Administration policy be reached which addresses firearm safety issues while also accomodating the legitimate needs of the curio and relic firearm business. A compromise approach to the importation of US origin curio and relic firearms has recently been proposed by Sen. Rockefeller and Rep. Hefner which I believe would constitute a good basis for discussion.

It is my understanding that the Blue Sky/Gibbs import application is the only application that has proof of purchase of US origin goods by a foreign government provided by the United States. These companies have agreed to remove M-1 carbines from their application and to limit the importation of fixed-magazine M-1 Garands over a two year period.

As a supporter of the 1994 Omnibus Crime bill containing the President's ban on certain detachable magazine semi-automatic rifles, I believe that our effort to keep these weapons out of the hands of criminals should be balanced with a reasonable policy toward imported firearm collectibles. The State Department has indicated that limited exemptions to the Arms Control Export Act can be granted for curios and relic firearms.

I would very much appreciate your meeting with Blue Sky's President, Mr. Richard Whitner and Gibbs' President, Mr. Val Forgett at your soonest convenience. Thank you for your careful and timely consideration of this important matter.

Sincerely,


Tim Johnson
U.S. Senator

TPJ/ds



CHIEF OF STAFF TO THE PRESIDENT

Send this to Joe Cerda @ D7C
for appropriate guidance

W.G. (BILL) HEFNER
8TH DISTRICT, NORTH CAROLINA

2470 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3715
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COMMITTEES:
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON DEFENSE
RANKING MEMBER
SUBCOMMITTEE ON MILITARY
CONSTRUCTION

Congress of the United States
House of Representatives
Washington, DC 20515-3308

March 30, 1998

DISTRICT OFFICES:

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ROCKINGHAM, NC 28379
(910) 997-2070
FAX (910) 997-7987

Mr. Erskine Bowles
Chief of Staff
The White House
1600 Pennsylvania Ave.
Washington, DC 20500

APR 1 1998

*I have had
counsel and opposite
policy people review on
request and prepare
The response
TY
EHL*

Dear Erskine:

Erskine, I very much appreciate your willingness to discuss with me the issue of import licensing on antique curio and relic firearms of U.S. origin. As we discussed, I am setting forth herewith the situation as I understand it and request that every possible consideration be given to providing some release from the current prohibition on the issuance of an import license for a specific segment of these curios and relics.

My concern here is the impact on small business importers of these items which have significant investments in this import business. In fact, in particular, I am familiar with Blue Sky Productions, Inc. and their major subcontractor, Gibbs Rifle Company. Over the past eighteen months, Blue Sky has suffered severe economic harm while trying to obtain their Form 6 import permits. The Company has informed me that they have submitted numerous import applications to the BATF, but that the State Department has prohibited a license from being issued.

Let me say at the outset that I appreciate and fully understand the Administration's position against imports of any firearms that would proliferate the kind of violence that we see on our streets every day, and particularly in those areas such as the events which have occurred in some of the nation's schools in recent days and months. However, I submit that the particular curios that Blue Sky wishes to import are not part of this problem, and I believe it can be documented that these are not the kind of weapons that are utilized in these horrible and heartbreaking incidents nor in street crimes across the country.

Blue Sky has offered a substantial compromise with regard to this stalemate on securing an import license, and it is my hope and **my request** that you will agree to meet with Mr. Richard C. Whitner, President of Blue Sky Productions, and his major subcontractor, Mr. Val Forgett, President of Gibbs Rifle Company, to discuss this proposal and perhaps work out a solution that may be satisfactory to his economic situation and meet with the objections of the Administration.

The proposal is that a license be granted for the importation of the M-1 Garand **only**, and not the M-1 Carbines or the M-1911 A-1 (45) pistols. The company would suspend any effort to try to import the Carbines and pistols.

I would like to set forth the following facts as I understand them to be with regard to the

law and the specific situation regarding Blue Sky Productions, Inc. for your consideration.:

- In 1987, Congress amended the Arms Export Control Act (22 U.S.C. 2778(b)(1)(B)) to allow curio and relic U.S. origin firearms to be imported. Many importers, including Blue Sky Productions, Inc., did import U.S. origin curios and relics under this act.
- In 1993, BATF revoked Blue Sky's valid import license, but which was later reinstated due to efforts on the part of key Members of Congress who have insisted on enforcement of the law.
- Since that time, no license applications have been approved -- this despite the fact that Congress **has not** changed the law. (As you may know, these licenses are issued for a period of six months or one year).
- The State Department's rationale (which must provide the ok for issuance by BATF) for denial has been "in the context of important foreign policy concerns." This argument was framed around the concern that these are "U.S. origin defense articles provided to foreign governments by the U.S." It is my understanding that the items Blue Sky is attempting to import **were not provided free to a foreign government, but were sold to and paid for by the Republic of Korea.** The State Department has never been able to cite any specific foreign policy concern.
- The items Blue Sky is attempting to import are not "cheap foreign made" guns. They are instead highly prized collectors items which are much more expensive because of their collector status than anything that is currently manufactured in the United States and sold for far less than these curios and relics.
- I hope you will consider the attached documentation from BATF which is evidence that the guns Blue Sky wants to import are not those which show up in law enforcement confiscations, or involved in violent crimes.

Ersine, as I told you on the telephone, Mr. Whitner has visited with Rahm Emanuel at the White House about this matter last November but has not received any feedback from that meeting. I would consider it a personal favor to me if you could see him and Mr. Forgett in the hopes that some satisfactory solution might be found to resolve this matter.

With kindest regards and best wishes, I am

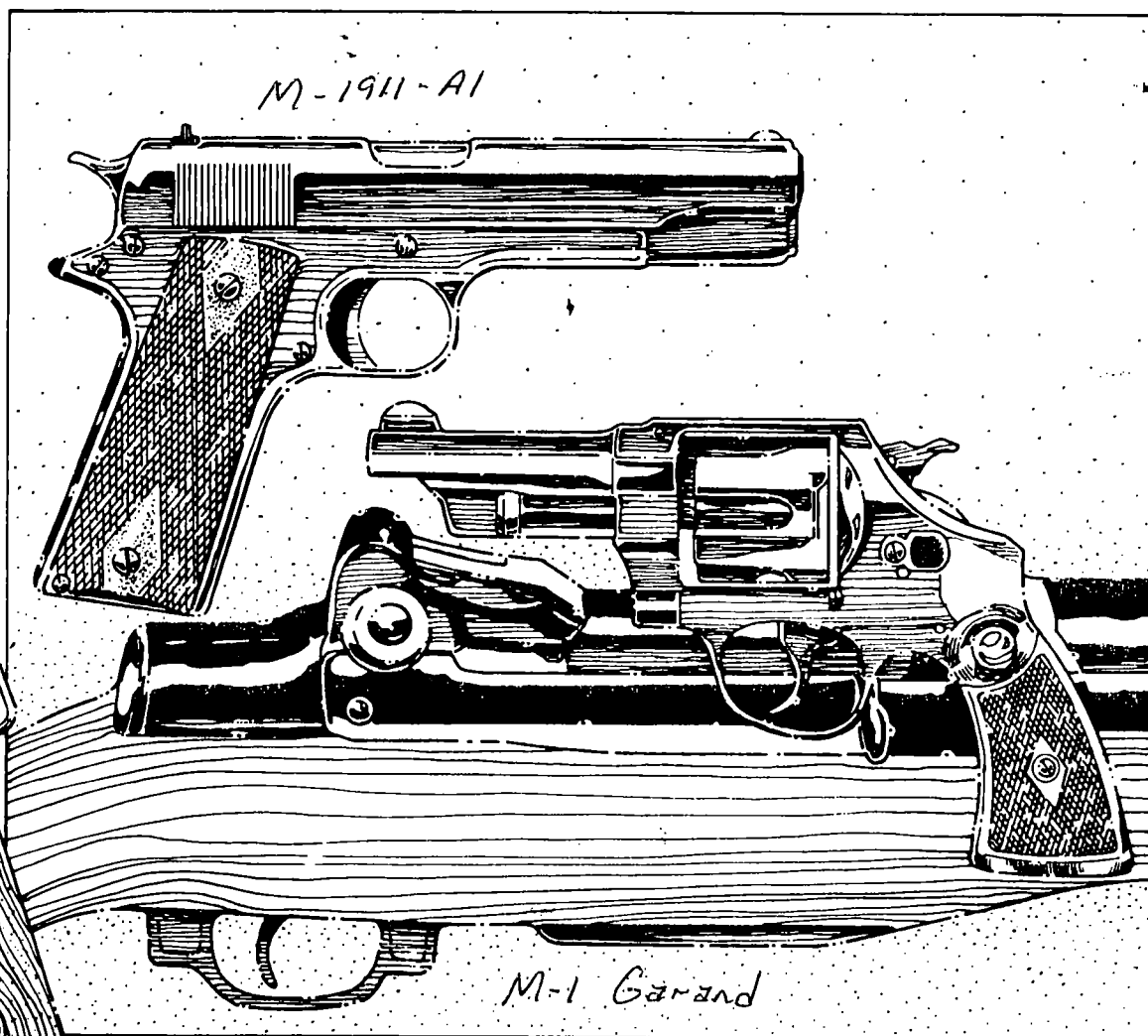
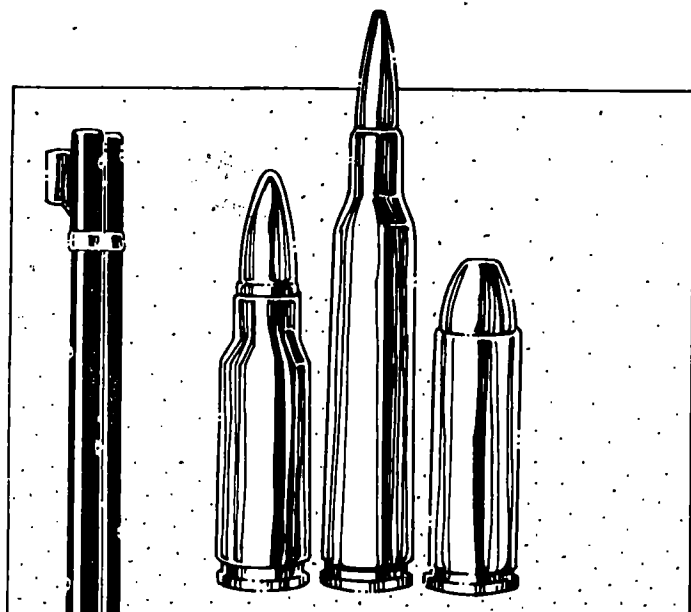
Sincerely,

A handwritten signature in black ink that reads "Bill Hefner". The signature is written in a cursive, slightly slanted style.

BILL HEFNER
Member of Congress

BH:ids

Firearms Curios & Relics List



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms



ATF P 5300.11 (12/89)

ATTACHMENT "A"

**DP52 .22LR ▶
DH380 .380 ACP (pictured)**

These all steel pocket-size pistols are based on the famous Walther PP configuration. Both feature a dual safety with hammer block for safe carry loaded with hammer down, and fire in either single or double action. The DH380 version has a slide release lever. Chrome plated steel barrels, properly configured thumb rest grips and responsive triggers make these small pistols accurate and enjoyable to shoot. Costing hundreds of dollars less than pistols of comparable quality, they represent one of the best values on the firearms market today.



**▶ DP51 9mm
DP51C 9mm (pictured)**

These two full size pistols feature the Fastfire Tri-Action trigger system. Shooters can fire from single action, standard double action or Tri-Action mode. Both models feature machined steel slides, forged aluminum alloy frames, reversible magazine catch, ambidextrous non-decocking thumb safety and three dot sights. The DP51 features a curved main spring housing. The DP51C (Compact) features a flat main spring housing. It has a 1/2 inch shorter barrel and 1/4 inch shorter grip than the DP51, and is two ounces lighter. High-capacity magazines are available for each model.

**"New for 1997"
DH40 MKII ▶**

This improved version of Daewoo's most popular full-size pistol features an improved locking heavy barrel design and bushingless slide for enhanced accuracy and long service life. It also incorporates the Tri-Action trigger system, machined steel slide and forged aluminum frame, ambidextrous thumb safety and three dot sights in the 9mms. Each pistol is shipped with a 10 round magazine, and 11 round magazines are available.



**200 .223 Rem. ▶
300 7.62 X 39mm**

The Daewoo PR series combines the best features from two of the finest semi auto rifles ever produced, the Colt AR-15/M-16 and the AK-47. The rifles use all standard spec M-16/AR-15 type magazines including high capacity pre-ban. The gas operation design is similar to the AK-47. Bolt, bolt carrier, firing pin, piston and recoil spring are contained in a single assembly and strip without any special tools. Adjustable, protected open sights are standard and a quick detachable mounting system is optional. Both offer exceptional accuracy and value.

DAEWOO

ATTACHMENT "B"

YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1996	LORCIN ENGINEERING	PISTOL	380	L380	3,802
	DAVIS INDUSTRIES	PISTOL	380	P380	2,672
	RAVEN ARMS	PISTOL	25	MP25	2,419
	F.N.	PISTOL	32		1,891
	SMITH & WESSON	PISTOL REVOLVER	38		1,576
	MOSSBERG	SHOTGUN	12	500	1,486
	RUGER	PISTOL	9	P89	1,446
	NORTH CHINA INDUSTRIES	RIFLE	762	SKS	1,428
	LORCIN ENGINEERING	PISTOL	25	L25	1,318
	BRYCO ARMS	PISTOL	9	59	1,302
	WESSON ARMS, DAN	PISTOL REVOLVER	357		1,277
	HIPOINT	PISTOL	9	C	1,062
	MARLIN	RIFLE	22	60	994
	PHOENIX ARMS CO.	PISTOL	25	RAVEN	991
	SMITH & WESSON	PISTOL REVOLVER	38	10	971
	FIE	PISTOL	25		943
	REMINGTON ARMS CO.	SHOTGUN	12	870	930
	SMITH & WESSON	PISTOL REVOLVER	38	36	910
	BRYCO ARMS	PISTOL	380	38	901
	GLOCK INC	PISTOL	9	17	877
	RUGER	RIFLE	22	10/22	871
	JENNINGS FIREARMS	PISTOL	22	J22	840
	LORCIN ENGINEERING	PISTOL	9	L9	829
	CZ	PISTOL	9	CZ75	817
	GLOCK INC	PISTOL	9	19	763
	BRYCO ARMS	PISTOL	380	48	744
	ROSSI	PISTOL REVOLVER	38	M68	710
	TAURUS	PISTOL REVOLVER	38		690
	BERETTA(FI INDUSTRIES)	PISTOL	9	92	675
	DAVIS INDUSTRIES	PISTOL	32	P32	675
	RAVEN ARMS	PISTOL	25	P25	665
	SMITH & WESSON	PISTOL REVOLVER	357	19	639
	STALLARD/MAVERICK	PISTOL	9	JS9	635
	UNKNOWN MANUFACTURER	SHOTGUN	12		633
	CZ	PISTOL	32	CZ83	628
	RUGER	PISTOL	9	P85	617
	SWD	PISTOL	9	M11/9	613
	CHARTER ARMS	PISTOL REVOLVER	38	UNDERCOVER	610
	NORTH CHINA INDUSTRIES	RIFLE	762	MAK90	599
	MOSSBERG	SHOTGUN	12		596
	TAURUS	PISTOL	9	PT92	585
	INTRATEC	PISTOL	9	TECDC9	584
	UNKNOWN MANUFACTURER	RIFLE	22		580
	MARLIN	RIFLE	22		575
	RG INDUSTRIES	PISTOL REVOLVER	22	RG14	544
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32	732	535
	ROSSI	PISTOL REVOLVER	38		515
	BERETTA(FI INDUSTRIES)	PISTOL	25	950	504
	INTRATEC	PISTOL	9	TEC9	489
	COLT	PISTOL REVOLVER	38		478
	RUGER	PISTOL	22	MARK II	474
	NORTH CHINA INDUSTRIES	RIFLE	762		461

The trace data involved in this report
was not analyzed. It is only raw data.

ATTACHMENT "C"

YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1996	SMITH & WESSON	PISTOL REVOLVER	357	686	460
	TAURUS	PISTOL REVOLVER	38	85	460
	WINCHESTER	RIFLE	30-30	94	458
	NORTH AMERICAN ARMS	PISTOL REVOLVER	22	NAA22	451
	NORTH CHINA INDUSTRIES	PISTOL	9	213	445
	HASKELL (MFGR)	PISTOL	45	JS45	442
	TAURUS	PISTOL REVOLVER	357		441
	SMITH & WESSON	PISTOL REVOLVER	357	66	436
	COLT	PISTOL REVOLVER	38	DETECTIVE SPECIAL	428
	SMITH & WESSON	PISTOL REVOLVER	357		428
	SMITH & WESSON	PISTOL REVOLVER	38	60	428
	RUGER	PISTOL REVOLVER	357	SECURITY 6	424
	ROHM	PISTOL REVOLVER	22	RG10	422
	COLT	PISTOL	45		408
	SMITH & WESSON	PISTOL REVOLVER	32		402
	RG INDUSTRIES	PISTOL REVOLVER	22	RG23	395
	GLOCK INC	PISTOL	40	22	390
	UNKNOWN MANUFACTURER	PISTOL REVOLVER	22		381
	BERETTA	PISTOL	9	92	374
	BRYCO ARMS	PISTOL	9	58	373
	EXCAM	PISTOL	25	GT27	372
	RUGER	PISTOL REVOLVER	22	SINGLE 6	370
	MAVERICK ARMS (EAGLE PASS, TX)	SHOTGUN	12	88	368
	F.N.	PISTOL	9		364
	FIE	PISTOL REVOLVER	38		363
	SAVAGE	SHOTGUN	12		359
	COLT	RIFLE	223	AR15	358
	WINCHESTER	SHOTGUN	12	1300	357
	BRYCO ARMS	PISTOL	22	J22	356
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32		346
	TAURUS	PISTOL	9	PT99	344
	RUGER	RIFLE	223	MINI 14	341
	RUGER	PISTOL	45	P90	327
	COLT	PISTOL	38		326
	BROWNING	PISTOL	9		323
	UNKNOWN MANUFACTURER	PISTOL	9		320
	GLOCK INC	PISTOL	40	23	313
	SAVAGE	RIFLE	22		312
	BERETTA(FI INDUSTRIES)	PISTOL	22	21	297
	CHARTER ARMS	PISTOL REVOLVER	38	OFF DUTY	296
	GRENDL INC	PISTOL	380	P12	296
	RUGER	PISTOL REVOLVER	357	BLACKHAWK	296
	IVER JOHNSON	PISTOL REVOLVER	32		294
	UNKNOWN MANUFACTURER	PISTOL REVOLVER	38		293
	GLOCK INC	PISTOL	45	21	292
	ROSSI	PISTOL REVOLVER	38	M88	292
	ARCADIA MACHINE & TOOL	PISTOL	380	BACKUP	289
	COLT	PISTOL	45	1911	289
	REMINGTON ARMS CO.	SHOTGUN	12	1100	289
	REMINGTON ARMS CO.	RIFLE	22		285
	SMITH & WESSON	PISTOL	9	915	281
	WINCHESTER	SHOTGUN	12		278

The trace data involved in this report
was not analyzed. It is only raw data.

YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1996	A A ARMS INC	PISTOL	9	AP9	275
	CALWESTCO INC.	PISTOL	22	J22	269
	INTRATEC	PISTOL	22	TEC22	269
	LLAMA/GABILONDO	PISTOL	45		268
	IMEZ (IZHEVSKY MECHANICAL WORKS)	PISTOL	9	IJ70	267
	MARLIN	RIFLE	30-30	336	267
	COLT	PISTOL REVOLVER	38	COBRA	264
	CLERKE TECHNICORP.	PISTOL REVOLVER	32	CLERKE 1ST	263
	ROHM	PISTOL REVOLVER	22		263
	STAR, BONIFACIO ECHEVERRIA	PISTOL	9		263
	COLT	PISTOL	45	MKIV	262
	BRYCO ARMS	PISTOL	25	J25	261
	BROWNING	PISTOL	9	HI POWER	258
	SMITH & WESSON	PISTOL REVOLVER	38	15	258
	REMINGTON ARMS CO.	SHOTGUN	12		256
	MAUSER	PISTOL	763	1896	255
	IMEZ (IZHEVSKY MECHANICAL WORKS)	PISTOL	380	IJ70	254
	COLT	PISTOL REVOLVER	357	PYTHON	249
	SUNDANCE IND INC (N HOLLYWOOD, CA)	PISTOL	25	A25	249
	WINCHESTER	SHOTGUN	12	1200	249
	DAVIS INDUSTRIES	PISTOL DERRINGER	32	D32	248
	UNKNOWN MANUFACTURER	RIFLE	762		247
	UNKNOWN MANUFACTURER	PISTOL	22		243
	ROSSI	PISTOL REVOLVER	357	M971	242
	BRYCO ARMS	PISTOL	380	59	237
	RUGER	PISTOL REVOLVER	44	SUPER BLACKHAWK	234
	RUGER	PISTOL REVOLVER	357	GP100	233
	UNKNOWN MANUFACTURER	SHOTGUN	20		233
	TAURUS	PISTOL REVOLVER	357	66	232
	RG INDUSTRIES	PISTOL REVOLVER	38	R631	231
	SMITH & WESSON	PISTOL	9	39	230
	SMITH & WESSON	PISTOL REVOLVER	38	37	226
	UNKNOWN MANUFACTURER	PISTOL	25		223
	SMITH & WESSON	PISTOL REVOLVER	38	64	221
	SMITH & WESSON	PISTOL REVOLVER	44	29	221
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32	733	220
	SMITH & WESSON	PISTOL	9	5906	220
	SMITH & WESSON	PISTOL	9	59	217
	COLT	PISTOL	45	GOVERNMENT	213
	COLT	PISTOL REVOLVER	38	POLICE POSITIVE	213
	IVER JOHNSON	PISTOL REVOLVER	38		213
	NEW ENGLAND FIREARMS	PISTOL REVOLVER	32	R73	213
	CHARTER ARMS	PISTOL REVOLVER	38		209
	RUGER	PISTOL	22		208
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	22	929	206
	HIPOINT	PISTOL	380	CF	202

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1995	LORCIN ENGINEERING	PISTOL	380	L380	2,805
	DAVIS INDUSTRIES	PISTOL	380	P380	2,090
	RAVEN ARMS	PISTOL	25	MP25	1,711
	NORTH CHINA INDUSTRIES	RIFLE	762	SKS	1,190
	RUGER	PISTOL	9	P89	1,049
	MOSSBERG	SHOTGUN	12	500	1,043
	LORCIN ENGINEERING	PISTOL	25	L25	958
	BRYCO ARMS	PISTOL	9	59	878
	SMITH & WESSON	PISTOL REVOLVER	38		759
	PHOENIX ARMS CO.	PISTOL	25	RAVEN	738
	HIPOINT	PISTOL	9	C	701
	GLOCK INC	PISTOL	9	17	698
	JENNINGS FIREARMS	PISTOL	22	J22	671
	BRYCO ARMS	PISTOL	380	38	669
	REMINGTON ARMS CO.	SHOTGUN	12	870	631
	SMITH & WESSON	PISTOL REVOLVER	38	10	625
	GLOCK INC	PISTOL	9	19	609
	MARLIN	RIFLE	22	60	595
	RUGER	RIFLE	22	10/22	572
	SWD	PISTOL	9	M11/9	569
	SMITH & WESSON	PISTOL REVOLVER	38	36	564
	BRYCO ARMS	PISTOL	380	48	544
	STALLARD/MAVERICK	PISTOL	9	JS9	532
	DAVIS INDUSTRIES	PISTOL	32	P32	527
	RAVEN ARMS	PISTOL	25	P25	495
	INTRATEC	PISTOL	9	TECDC9	476
	FIE	PISTOL	25		475
	NORTH CHINA INDUSTRIES	RIFLE	762	MAK90	464
	RUGER	PISTOL	9	P85	454
	SMITH & WESSON	PISTOL REVOLVER	357	19	438
	BERETTA(FI INDUSTRIES)	PISTOL	9	92	423
	INTRATEC	PISTOL	9	TEC9	421
	TAURUS	PISTOL	9	PT92	419
	LORCIN ENGINEERING	PISTOL	9	L9	363
	ROSSI	PISTOL REVOLVER	38	M68	349
	ROSSI	PISTOL REVOLVER	38		341
	RG INDUSTRIES	PISTOL REVOLVER	22	RG14	336
	TAURUS	PISTOL REVOLVER	38		326
	HASKELL (MFR)	PISTOL	45	JS45	325
	TAURUS	PISTOL REVOLVER	38	85	323
	BERETTA(FI INDUSTRIES)	PISTOL	25	950	321
	RUGER	PISTOL	22	MARK 11	320
	COLT	RIFLE	223	AR15	318
	NORTH CHINA INDUSTRIES	PISTOL	9	213	317
	SMITH & WESSON	PISTOL REVOLVER	357	686	304
	BERETTA	PISTOL	9	92	301
	NORTH AMERICAN ARMS	PISTOL REVOLVER	22	NAA22	300
	MOSSBERG	SHOTGUN	12		298
	WINCHESTER	RIFLE	30-30	94	291
	CHARTER ARMS	PISTOL REVOLVER	38	UNDERCOVER	289
	RUGER	RIFLE	223	MINI 14	287
	TAURUS	PISTOL	9	PT99	279

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1995	RUGER	PISTOL REVOLVER	357	SECURITY 6	278
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32	732	277
	SMITH & WESSON	PISTOL REVOLVER	357	66	271
	BRYCO ARMS	PISTOL	22	J22	270
	COLT	PISTOL REVOLVER	38	DETECTIVE SPECIAL	255
	SMITH & WESSON	PISTOL REVOLVER	38	60	255
	STAR, BONIFACIO ECHEVERRIA	PISTOL	9		253
	BROWNING	PISTOL	9	HI POWER	250
	RUGER	PISTOL REVOLVER	22	SINGLE 6	237
	ARCADIA MACHINE & TOOL	PISTOL	380	BACKUP	232
	SMITH & WESSON	PISTOL REVOLVER	32		229
	WINCHESTER	SHOTGUN	12	1300	228
	GLOCK INC	PISTOL	40	22	227
	EXCAM	PISTOL	25	GT27	225
	REMINGTON ARMS CO.	SHOTGUN	12	1100	225
	RG INDUSTRIES	PISTOL REVOLVER	22	RG23	220
	COLT	PISTOL	45	MKIV	219
	RUGER	PISTOL REVOLVER	357	BLACKHAWK	215
	NORTH CHINA INDUSTRIES	RIFLE	762		210
	CALWESTCO INC.	PISTOL	22	J22	209
	ROHM	PISTOL REVOLVER	22	RG10	209
	COLT	PISTOL REVOLVER	38		207
	INTRATEC	PISTOL	22	TEC22	203
	SMITH & WESSON	PISTOL	9	915	203
	GLOCK INC	PISTOL	40	23	201
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32		201

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1994	LORCIN ENGINEERING	PISTOL	380	L380	3,393
	DAVIS INDUSTRIES	PISTOL	380	P380	2,572
	RAVEN ARMS	PISTOL	25	MP25	2,298
	LORCIN ENGINEERING	PISTOL	25	L25	1,332
	MOSSBERG	SHOTGUN	12G	500	1,087
	PHOENIX ARMS CO.	PISTOL	25	RAVEN	1,009
	JENNINGS FIREARMS	PISTOL	22	J22	1,004
	RUGER	PISTOL	9	P89	991
	GLOCK INC	PISTOL	9	17	871
	BRYCO ARMS	PISTOL	380	38	864
	HIPOINT	PISTOL	9	C	849
	NORTH CHINA INDUSTRIES	RIFLE	762	SKS	829
	SWD	PISTOL	9	M11/9	758
	BRYCO ARMS	PISTOL	9	59	723
	STALLARD/MAVERICK	PISTOL	9	JS9	708
	SMITH & WESSON	PISTOL REVOLVER	38	10	707
	DAVIS INDUSTRIES	PISTOL	32	P32	696
	BRYCO ARMS	PISTOL	380	48	693
	SMITH & WESSON	PISTOL REVOLVER	38		663
	MARLIN	RIFLE	22	60	650
	REMINGTON ARMS CO.	SHOTGUN	12G	870	645
	INTRATEC	PISTOL	9	TEC9	621
	SMITH & WESSON	PISTOL REVOLVER	38	36	609
	GLOCK INC	PISTOL	9	19	600
	INTRATEC	PISTOL	9	TECDC9	572
	NORTH CHINA INDUSTRIES	RIFLE	762	MAK90	545
	TAURUS	PISTOL	9	PT92	524
	ROSSI	PISTOL REVOLVER	38	M68	509
	RAVEN ARMS	PISTOL	25	P25	499
	RUGER	PISTOL	9	P85	479
	RUGER	RIFLE	22	10/22	468
	SMITH & WESSON	PISTOL REVOLVER	357	19	454
	RG INDUSTRIES	PISTOL REVOLVER	22	RG14	435
	BERETTA(FI INDUSTRIES)	PISTOL	25	950	431
	BERETTA(FI INDUSTRIES)	PISTOL	9	92	418
	HASKELL (MFGR)	PISTOL	45	JS45	403
	CHARTER ARMS	PISTOL REVOLVER	38	UNDERCOVER	392
	FIE	PISTOL	25		375
	NORTH AMERICAN ARMS	PISTOL REVOLVER	22	NAA22	366
	TAURUS	PISTOL REVOLVER	38	85	351
	NORTH CHINA INDUSTRIES	PISTOL	9	213	350
	COLT	RIFLE	223	AR15	345
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32	732	341
	BERETTA	PISTOL	9	92	334
	ROHM	PISTOL REVOLVER	22	RG10	334
	TAURUS	PISTOL REVOLVER	38		329
	TAURUS	PISTOL	9	PT99	326
	INTRATEC	PISTOL	22	TEC22	321
	SMITH & WESSON	PISTOL REVOLVER	357	66	317
	SMITH & WESSON	PISTOL REVOLVER	357	686	313
	RUGER	PISTOL REVOLVER	357	SECURITY 6	311
	RUGER	PISTOL	22	MARK II	306

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1994	COLT	PISTOL REVOLVER	38	DETECTIVE SPECIAL	302
	WINCHESTER	RIFLE	30-30	94	298
	RG INDUSTRIES	PISTOL REVOLVER	22	RG23	283
	BROWNING	PISTOL	9	HI POWER	271
	REMINGTON ARMS CO.	SHOTGUN	12G	1100	271
	SMITH & WESSON	PISTOL REVOLVER	38	60	268
	GRENDEL INC	PISTOL	380	P12	266
	BRYCO ARMS	PISTOL	25	J25	259
	DAVIS INDUSTRIES	PISTOL DERRINGER	32	D32	259
	MOSSBERG	SHOTGUN	12G		252
	UNKNOWN MANUFACTURER	SHOTGUN	12G		251
	RUGER	PISTOL REVOLVER	22	SINGLE 6	245
	SUNDANCE IND INC (N HOLLYWOOD, CA)	PISTOL	25	A25	245
	DAVIS INDUSTRIES	PISTOL DERRINGER	22	D22	244
	RUGER	RIFLE	223	MINI 14	244
	FIE	PISTOL	25	E27	243
	STAR, BONIFACIO ECHEVERRIA	PISTOL	9		237
	EXCAM	PISTOL	25	GT27	232
	A A ARMS INC	PISTOL	9	AP9	230
	COLT	PISTOL	45	MKIV	229
	UNKNOWN MANUFACTURER	PISTOL REVOLVER	22		229
	ARCADIA MACHINE & TOOL	PISTOL	380	BACKUP	222
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32		219
	GLOCK INC	PISTOL	40	22	211
	MARLIN	RIFLE	30-30	336	210
	RUGER	PISTOL REVOLVER	357	BLACKHAWK	208
	SMITH & WESSON	PISTOL REVOLVER	32		206
	SMITH & WESSON	PISTOL	9	915	202
	SMITH & WESSON	PISTOL	9	59	201

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1993	RAVEN ARMS	PISTOL	25	P25	1,674
	DAVIS INDUSTRIES	PISTOL	380	P380	1,540
	LORCIN ENGINEERING	PISTOL	380	L380	1,163
	NORTH CHINA INDUSTRIES	RIFLE	762	SKS	786
	MOSSBERG	SHOTGUN	12G	500	742
	JENNINGS FIREARMS	PISTOL	22	J22	714
	LORCIN ENGINEERING	PISTOL	25	L25	691
	SWD	PISTOL	9	M11/9	659
	INTRATEC	PISTOL	9	TEC9	602
	SMITH & WESSON	PISTOL REVOLVER	38		596
	COLT	RIFLE	223	AR15	581
	STALLARD/MAVERICK	PISTOL	9	JS9	551
	GLOCK INC	PISTOL	9	17	509
	REMINGTON ARMS CO.	SHOTGUN	12G	870	455
	SMITH & WESSON	PISTOL REVOLVER	38	36	444
	BRYCO ARMS	PISTOL	380	38	440
	RUGER	RIFLE	22	10/22	424
	SMITH & WESSON	PISTOL REVOLVER	38	10	405
	DAVIS INDUSTRIES	PISTOL	32	P32	403
	RUGER	PISTOL	9	P85	403
	INTRATEC	PISTOL	9	TECDC9	397
	BRYCO ARMS	PISTOL	380	48	368
	SMITH & WESSON	PISTOL REVOLVER	357	19	363
	RUGER	PISTOL	9	P89	361
	MARLIN	RIFLE	22	60	360
	ROSSI	PISTOL REVOLVER	38	M68	355
	PHOENIX ARMS CO.	PISTOL	25	RAVEN	352
	GLOCK INC	PISTOL	9	19	339
	FIE	PISTOL	25	E27	331
	TAURUS	PISTOL REVOLVER	38		293
	TAURUS	PISTOL	9	PT92	282
	RAVEN ARMS	PISTOL	25	MP25	278
	BERETTA(FI INDUSTRIES)	PISTOL	9	92	270
	BERETTA	PISTOL	9	92	264
	RUGER	PISTOL REVOLVER	22	SINGLE 6	260
	RUGER	RIFLE	223	MINI 14	255
	HASKELL (MFGR)	PISTOL	45	JS45	251
	RUGER	PISTOL	22	MARK II	249
	SMITH & WESSON	PISTOL REVOLVER	357		248
	RG INDUSTRIES	PISTOL REVOLVER	22	RG14	242
	BERETTA(FI INDUSTRIES)	PISTOL	25	950	223
	SMITH & WESSON	PISTOL REVOLVER	357	66	220
	RUGER	PISTOL REVOLVER	357	SECURITY 6	218
	CHARTER ARMS	PISTOL REVOLVER	38	UNDERCOVER	217
	MOSSBERG	SHOTGUN	12G		216
	RG INDUSTRIES	PISTOL REVOLVER	22	RG23	205
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32	732	204
	INTRATEC	PISTOL	22	TEC22	203
	REMINGTON ARMS CO.	SHOTGUN	12G	1100	203
	RUGER	PISTOL	22	STANDARD	201

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1992	RAVEN ARMS	PISTOL	25	P25	1,720
	DAVIS INDUSTRIES	PISTOL	380	P380	1,481
	JENNINGS FIREARMS	PISTOL	22	J22	719
	MOSSBERG	SHOTGUN	12G	500	698
	INTRATEC	PISTOL	9	TEC9	639
	SWD	PISTOL	9	M11/9	637
	RUGER	PISTOL	9	P85	479
	STALLARD/MAVERICK	PISTOL	9	JS9	459
	DAVIS INDUSTRIES	PISTOL	32	P32	454
	NORTH CHINA INDUSTRIES	RIFLE	762	SKS	433
	LORCIN ENGINEERING	PISTOL	25	L25	416
	MARLIN	RIFLE	22	60	403
	SMITH & WESSON	PISTOL REVOLVER	38	10	399
	RUGER	RIFLE	22	10/22	390
	COLT	RIFLE	223	AR15	382
	SMITH & WESSON	PISTOL REVOLVER	38	36	371
	GLOCK INC	PISTOL	9	17	350
	ROSSI	PISTOL REVOLVER	38	M68	329
	SMITH & WESSON	PISTOL REVOLVER	357	19	325
	SMITH & WESSON	PISTOL REVOLVER	38		316
	BRYCO ARMS	PISTOL	380	38	290
	FIE	PISTOL	25	E27	289
	RUGER	RIFLE	223	MINI 14	271
	REMINGTON ARMS CO.	SHOTGUN	12G	870	249
	RAVEN ARMS	PISTOL	25	MP25	246
	RG INDUSTRIES	PISTOL REVOLVER	22	RG14	244
	TAURUS	PISTOL	9	PT92	242
	GLOCK INC	PISTOL	9	19	222
	RUGER	PISTOL	22	MARK II	220
	RUGER	PISTOL REVOLVER	357	SECURITY 6	202

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YEAR	MANUFACTURER	TYPE FIREARM	CALIBER	MODEL	NUMBER OF TRACES
1991	RAVEN ARMS	PISTOL	25	P25	2,131
	DAVIS INDUSTRIES	PISTOL	380	P380	1,337
	INTRATEC	PISTOL	9	TEC9	771
	MOSSBERG	SHOTGUN	12G	500	711
	JENNINGS FIREARMS	PISTOL	22	J22	646
	SWD	PISTOL	9	M11/9	596
	DAVIS INDUSTRIES	PISTOL	32	P32	510
	SMITH & WESSON	PISTOL REVOLVER	38	10	427
	COLT	RIFLE	223	AR15	425
	RUGER	RIFLE	22	10/22	420
	RUGER	PISTOL	9	P85	408
	SMITH & WESSON	PISTOL REVOLVER	38	36	387
	MARLIN	RIFLE	22	60	386
	SMITH & WESSON	PISTOL REVOLVER	357	19	386
	STALLARD/MAVERICK	PISTOL	9	JS9	376
	FIE	PISTOL	25	E27	354
	ROSSI	PISTOL REVOLVER	38	M68	314
	RUGER	RIFLE	223	MINI 14	309
	TAURUS	PISTOL	9	PT92	292
	REMINGTON ARMS CO.	SHOTGUN	12G	870	274
	BROWNING	PISTOL	9	HIPOWER	266
	RAVEN ARMS	PISTOL	25	MP25	262
	GLOCK INC	PISTOL	9	17	258
	RG INDUSTRIES	PISTOL REVOLVER	22	RG14	248
	SMITH & WESSON	PISTOL REVOLVER	357	66	235
	TAURUS	PISTOL REVOLVER	38		235
	RUGER	PISTOL	22	MARK II	224
	NORTH CHINA INDUSTRIES	RIFLE	762	SKS	217
	LORCIN ENGINEERING	PISTOL	25	L25	214
	HARRINGTON AND RICHARDSON	PISTOL REVOLVER	32	732	210
	GLOCK INC	PISTOL	9	19	205
	RUGER	PISTOL REVOLVER	22	SINGLE 6	205
	RUGER	PISTOL REVOLVER	357	SECURITY 6	202

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TOTAL FIREARM TRACES CONDUCTED BY THE NATIONAL TRACING
CENTER DURING CALENDAR YEARS 1991 THROUGH 1996

PAGE - 1

YEAR	NUMBER OF TRACES
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1991	42,442
1992	45,134
1993	55,296
1994	83,390
1995	76,958
1996	136,202

ATTACHMENT "D"

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REPORT RUN ON - 1997-05-22

FAX COVER PAGE

3/27/98

**DEPARTMENT OF STATE
BUREAU OF POLITICAL-MILITARY AFFAIRS
OFFICE OF ARMS TRANSFER AND EXPORT CONTROL POLICY
ROOM 2422 (PM/ATEC)**

TO: Jose Cerda, WH Domestic Policy Council**FROM:** Gillian Price**FAX:** 202-456-7028**FAX:** (202) 647-4232**PHONE:** (202) 647-2405**SUBJECT:**

Mr. Cerda:

Here is the proposal given to us by John Sununu and Mark Barnes at our meeting last week. Thought we'd pull together a meeting next week to discuss it. We have invited Treasury (including ATF and Customs), and the FBI. I will also invite the two people from your White House working groups whom we discussed yesterday. How would Wednesday of next week work for you?

Gillian Price

NUMBER OF PAGES (include cover): 8

I. What are the real issues?

Some Members and some individuals in the Administration have typically raised the following issues about these imports. The gun community's responses to each issue are provided as follows:

(A) Foreign Policy concerns: These have never been fully explained by the Department of State. The obvious ones are maintaining close control of lethal weapons, and preventing the potential development of a substantial market in privately-owned SME. Both of these have no application under the internal controls that these guns would be subjected to under the Gun Control Act of 1968.

(B) Consent to a sale and the sale proceeds: Under the Foreign Assistance Act and AECA, the U.S. Government (USG) may furnish foreign governments with military firearms or ammunition as a means to promote the U.S.'s foreign policy interests abroad. However, if a foreign government wishes to sell any of these firearms or ammunition, then, as we understand it, the legal position of the State Department is that the curio or relic provision does not supersede the right, in other portions of the AECA, for the USG to require that the selling nation ask the USG for permission to sell the goods back to a private party in the United States. Even if a legal technicality gives State the opportunity to frustrate these sales, *contravening a clearly established and specific Congressional policy exception is simply wrong.*

Aside from the consent issue, however, State frequently notes that the USG must decide whether to request that the sale proceeds be set aside in a special account or to waive the receipt of the proceeds from a sale. While that may be true in any number of cases, many of these transactions do not involve such an issue. Obviously, when the foreign government paid for these articles with their own funds, they are not required to forfeit the sale proceeds. More importantly, the proposal below does preserve the review process with regard to this issue.

(C) End-use and retransfer assurance certificates: In accord with the 1988 policy of the State Department, State also notes that it would be difficult to get end-use and retransfer certificates from the importing community. The State Department is fully aware that:

(1) The Gun Control Act of 1968 transfer provisions and the ATF tracing system provide the best end-use assurances system in the world;

(2) Having the articles return to the U.S. assures that they will not be diverted overseas; and

(3) The articles may never leave the U.S. without going through a Defense Trade Controls registrant who must obtain a license for the transaction from the Department of State.

Since all parties to this issue are fully aware that it is not the U.S. importing community's intent to apply for re-export licenses, the end-use certificate has no real meaning in the context of these imports. Congress clearly anticipated

this reality, as evidenced by the way they drafted the curio or relic provision. This enables them to track ATF's procedures, not the procedures which make sense for an overseas transfer. Nevertheless, the importing community can even respond to this "requirement", and at Attachment B, this is an example of what the importing community would be willing to offer the State Department in terms of such end-use assurances under the proposal below.

(D) Quantity - The State Department will frequently raise concerns about the quantity of articles that an importer intends to import, often focusing on potential import numbers that have little commercial meaning. For example, Senator Lautenberg likes to use the figure of 2.5 million U.S. origin "curio or relic" firearms that would be imported immediately. This is simply is incorrect. Importers do not import "millions" of guns into this country on an annual basis. Currently, the rough total number of all firearms that are *annually* imported into the U.S. is in the 800,000 to 900,000 range. Only a relatively modest number of U.S. origin curio or relic firearms are available for importation into the United States in *commercially acceptable and safe-to-shoot* condition--these firearms will not be imported in the millions. More importantly, it will take time to ensure that these guns are in fine working order. Therefore, importers will exercise their business judgment in importing reasonable quantities of guns that they believe will meet the collector market demand. Under our commercial import laws, quantity is not a consideration on the basis of granting or denying a permit. Therefore, there appears to be no legal reason why legitimate import permit applications should not be approved. More importantly, the importing community, under the proposal below, will not import U.S. origin curio and relic military surplus firearms in their original military configuration in less than "70" percent graded condition (as the term is used in commercial grading books, such as the Blue Book of Gun Values). This should additionally alleviate any "quantity" concerns.

(E) Crime concern - The Department of State says that these guns, and the M1 Carbine in particular, are in fact considered to be weapons of crime concern. The gun community asks "Why?" and by "Whom?" and where is the substantiation to justify these statements? These firearms are not attractive to criminals because they are expensive, heavy and not easily concealable. In fact, even ATF's trace data shows that in 1995, out of the 70,000 firearms traced to a crime scene that year, only .331% were U.S. origin firearms. In 1996, the percentage decreased. Out of the 140,000 firearms traced to a crime scene, only .275% were U.S. origin firearms. For 1997, the percentage increased only slightly, where U.S. origin firearms constituted only .303% of the total 200,000 "crime guns" traced. These statistics show that U.S. origin firearms simply do not constitute a public safety issue at all. Nevertheless, the importing community, under the proposal below, will not pursue the importation of the U.S. origin .45 caliber pistols or M1 carbines.

(F) Proscribed Countries -Opponents claims that "pariah" countries like Iran will "profit off of the United States by selling us back our own guns." Current law (the International Traffic in Arms Regulations, the Arms Export Control Act, the Foreign Assistance Act and the Gun Control Act of 1968) already prohibit United States importers from trading defense articles and services with certain proscribed nations like Iran, whose foreign policy threatens world peace and the national security of the United States and supports acts of international terrorism. Thus, certain U.S. origin firearms are prohibited from

importation into the United States, while others are not, depending upon whether the country in possession of such firearms is a proscribed nation for the purposes of these public laws. Terrorist countries like Iran, Iraq, North Korea, Libya and Syria are some of the proscribed nations prohibited from doing business with the United States in arms and munitions. Everything that the gun community has proposed makes it clear that importations will only be permitted from *non-proscribed* nations. Furthermore, ATF already has certain procedures in place to assure that guns are not diverted or laundered through non-proscribed countries, and these procedures will be strictly observed by the importing community.

IV. The possible Administrative resolution

A. Justification for a policy change

"Curio or relics" are defined as firearms which are of special interest to collectors, and are at least 50 years old, or are certified by a curator of a municipal, State or Federal museum to be curios or relics of museum interest, or have some rare, novel, or bizarre characteristic because of their association with some historical figure, period or event. They are not the crime gun of choice for criminals. The purpose of the Gun Control Act was to provide "support to Federal, State and local law enforcement officials in their fight against crime and violence," *but not to* "place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity." Additionally, the enactment of the Gun Control Act was "not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes" (i.e., such as gun collecting).

The Administration's actions are completely contrary to legitimate collecting and hobby pursuits. The position taken by the Department of State is causing irreparable harm to many U.S. importers. Good, honest, hard working people are losing their jobs and livelihoods, because the Department of State's position contradicts current U.S. law. We are confident that if an administrative resolution of this matter is agreed to, then many importers would be willing to proceed with applications on a case-by-case basis for only the M-1 Garand, the Springfield bolt action rifle, and other similar long-arms at this time, in addition to parts and ammunition.

B. Proposed administrative policy

Approval of the transfer of SME to private entities should be considered on a case-by-case basis when the proposed conditions of transfer are in compliance with the following:

1. SME that are curio or relic firearms (ammunition, components, parts, accessories, and attachments for such firearms, excepting the M-1 carbine and Model 1911A1 service pistol) under 22 U.S.C. § 2778(b)(1)(B) may be considered for transfer to a private entity in the United States that is a fully licensed Federal Firearms Importer, and registered under the Arms Export Control Act, for *reimportation into the United States* under certain conditions:

- (a) The transfer must take place in accordance with all Customs and Treasury requirements, including those under the Gun Control Act of 1968, for the importation of such material, including the otherwise applicable requirements of sections 178.112 and 178.113 of Title 27, Code of Federal Regulations.

(b) The application must be for the importation of a U.S. origin curio and relic military surplus firearms in their original military configuration in not less than "70" percent graded condition (as the term is used in commercial grading books, such as the Blue Book of Gun Values), unless as a condition of importation, the applicant agrees to restore any such firearms to such condition or better before the first transfer of such firearms in the United States.

(c) The foreign selling government or organization must agree that title to the SME will not transfer to the purchaser until the item is inside the Customs' jurisdiction of the U.S., or the importer must provide a full waiver of any such defenses as a condition of the granting of the import permit application. This will permit the criminal sanctions provisions of the Arms Export Control Act to take effect in the event of a subsequent illegal export.

(d) The importer must provide appropriate end-use and retransfer assurances at the first level of importation that the material will not be re-exported from the United States, and agree that all records will be kept in accordance with the Gun Control Act of 1968. The end-use forms are attached as Attachment B.

(e) The application is not for the importation of articles on the United States Munitions Import List from a proscribed country: For purposes of the preceding sentence, the term "proscribed country" means a country with respect to which the proscriptions, which are contained in section 47.52 of Title 27, Code of Federal Regulations, apply.

(f) Each Form 6 application will be reviewed on a case-by-case basis. However, the USG may require reimbursement of the sale proceeds from all Foreign Assistance Act/MAP material. However, the "reimbursement" issue would be decided based on normal policy considerations with the other nation. In other words, the decision for reimbursement will be based not on the type of U.S. origin firearm that an importer desires to import, assuming the above conditions are met, but rather on the foreign policy and the financial considerations that exist between the nations.

2. The end-use and retransfer assurances, referred to above, must include (1) an agreement not to sell, lease or transfer possession of the articles for any purpose other than that which is identified in the Form 6 and end-use assurances or such other purpose as the U.S. Department of State may approve of in writing; and (2) in the event that any transfer requires notification to the Congress under Section 3(d) of the Arms Export Control Act, such notification will be provided prior to approving the transfer. To facilitate this policy, ATF would have the approval authority, without prior review by the State Department, for firearms parts and ammunition as specified in 22 C.F.R. 121.1 for "Category I-Firearms, subsection (a)" and "Category III-Ammunition, subsection (a)" for arms in Category I only.

Attachment B

United States of America Department of State

End Use and Retransfer Assurance Certificate

March _____, 1998

Section 1

XXXXXXX, a United States corporation licensed to import firearms pursuant to 18 U.S.C. § 923, and XXXXXXX, a United States corporation licensed to deal in firearms pursuant to 18 U.S.C. § 923, present their compliments to the United States Department of State (hereafter "DoS") and have the honor to call to the attention of DoS the proposed receipt by XXXXXXX from the Republic of XXXXXXX of certain obsolete defense material classified as curio or relic firearms pursuant to 18 U.S.C. § 921(a)(13), said firearms having been originally transferred to the Republic of XXXXXXX from the United States Government. Upon receipt of the material from the Republic of XXXXXXX, XXXXXXX will in turn bulk transfer this material to XXXXXXX for distribution in the United States pursuant to these assurances. The description of the material is:

NAME AND ADDRESS of MANUFACTURER a	TYPE (SG)(RI) (PI)(RE) b	CALIBER GAUGE OR SIZE c	MODEL (MFRS> DESIGN d	LENGTH OF BARREL e	OVERALL LENGTH (inches) f	SERIAL NO. g	NEW(N) OR USED h	QUANTITY (Each type) i	UNIT COST j
FIREARMS XXXXXXX	XX	XXXX	XXXX	XXX	XXX	Unknown	U	XXXX	XXX

Furthermore, this certificate is made a part of the Form 6 application, Permit No. 98-_____
(XXXXXXX Control No. 00-0000-00) regarding the importation of said firearms.

Section 2

XXXXXXX and XXXXXXX understand that in keeping with the United States law and regulations (particularly 22 U.S.C. § 2314(e) or 22 U.S.C. § 2753(a), whichever is applicable) the United States Government may consent to this transfer only upon being furnished with assurances from XXXXXXX and XXXXXXX that they will not retransfer, by any means, such defense articles to any other country, international organization or person not an officer, employee, or agent of XXXXXXX or XXXXXXX without first obtaining written consent from the United States Government, and that such defense articles will only be used for the purpose for which military equipment transfers may be made by the United States, or used pursuant to the provisions of the 22 U.S.C. § 2778(b)(1)[C]¹. XXXXXXX gives further assurances as follows:

(a) XXXXXXX's permit application meets the otherwise applicable requirements of sections 178.112 and 178.113 of title 27, Code of Federal Regulations (as in effect on January 1, 1998);

(b) XXXXXXX will not import U.S origin curio and relic military surplus firearms in their original military configuration in less than "70" percent graded condition (as the term is

¹ The second subparagraph (B) of subsection (a)(1) should have been designated subparagraph (C), and is so indicated by [C] above

used in the Blue Book of Gun Values, 1997), and if any of these firearms are in less than 70 percent condition, XXXXXXXX will never transfer or sell such firearms unless they are restored to 70 percent condition or better; and

(c) XXXXXXXX further assures the Department of State that this transaction does not involve the importation of articles that are on the United States Munitions Import List from a proscribed country.

Section 3

Provided that, XXXXXXXX may further transfer said material in bulk, after meeting the requirements of § 2 (above), without the prior written consent of DoS to XXXXXXXX; thereafter, XXXXXXXX may transfer to individuals or entities within the jurisdiction of the United States (after obtaining any authorizations as may be necessary from other federal agencies prior to such transfer) pursuant to 18 U.S.C. §§ 921 et seq. (the Gun Control Act of 1968), or 26 U.S.C. §§ 5801 et seq. (the National Firearms Act) or other applicable federal law and state law. Provided further that, all imported firearms will be logged into a bound book, in the manner required by 27 C.F.R. 178.122. The firearms will also be marked as required by 27 C.F.R. 178.92.

Section 4

Therefore, in accordance with the foregoing, XXXXXXXX and XXXXXXXX jointly certify that we are the end-users of the articles described above. We further certify that the items are intended for the use in the United States for the lawful purposes specified herein, and that the sale of said items to XXXXXXXX and XXXXXXXX from the Republic of XXXXXXXX will not be consummated within the meaning of 27 C.F.R. § 53.11 until the above described articles are within the jurisdiction of and subject to the laws of the United States. Except, as specifically authorized by prior written approval of DoS, or pursuant to Section 3 herein, XXXXXXXX and XXXXXXXX will not re-export, resell or otherwise dispose of those articles (1) outside the jurisdiction of the United States, or (2) to any other person. We further certify that all the facts contained in this certificate are true and correct, and we do not know of any additional facts that are inconsistent with this certificate.

XXXXXX
President
XXXXXX

XXXXXX
President
XXXXXX

Date: _____

Approved.

End U d Reti sfer Assurance Certificate

Attachment B

Page 3

by _____

Title and Office
United States of America
Department of State

Date: _____

Approved.

Chief, Firearms and Explosives Imports Branch
United States of America
Department of Treasury
Bureau of Alcohol, Tobacco and Firearms

Date: _____

FACSIMILE COVER SHEET
DEPARTMENT OF THE TREASURY
OFFICE OF POLICY DEVELOPMENT
(ENFORCEMENT)

Phone: (202) 622-0300

Fax: (202) 622-7301

Date:

5/6/98

Page 1 of SEVERAL

TO:

LEANNB

FAX:

456 7028

FROM:

TINO

SUBJECT:

C & R //

MESSAGE:

[Handwritten signature]
TINO

ATF COMMENTS ON INDUSTRY IMPORT PROPOSAL

1. The "Importing Community." The proposal purports to speak on behalf of the firearms "importing community" and states that if the State Department accepts the proposal, importers will submit applications only for the M-1 Garand and Springfield bolt action rifles. The proposal also states that firearms importers will not import U.S. origin C&R firearms in less than 70 percent graded condition.

It is unclear how Mr. Barnes can represent the firearms "importing community." The only importers trade group in existence is the Firearms and Ammunition Importers Roundtable (FAIR), which consists of 34 of the 807 licensed importers in the United States. Mr. Barnes has represented FAIR in the past and occasionally represents the group on particular firearms issues. However, even if Mr. Barnes speaks for FAIR on this issue, he cannot speak for the remaining 700+ licensed importers of firearms. Mr. Barnes clearly does not represent all firearms importers and cannot speak for what they will or will not do if the State Department changes its import policy.

2. End-Use and Retransfer Assurances. The proposal states that ~~it would be difficult to obtain~~ end-use and retransfer certificates and indicates that the Gun Control Act of 1968 (GCA) and ATF's firearms tracing system are the "best end-use assurances system in the world."

The surplus military curio or relic firearms that are the subject of the proposal are importable under the GCA and the import provisions of the Arms Export Control Act. Assuming the firearms were lawfully imported under these statutes, the importer would enter the model designation and serial numbers of the firearms into his permanent records as an acquisition. When the firearms are sold and transferred to a distributor, the firearms would be recorded as a disposition to that licensee, and that licensee would record the firearms as an acquisition in his permanent records. The firearms would continue to be recorded in this manner until they are sold to the first nonlicensed purchaser of record.

ATF does not monitor transfers of firearms within the United States, as is suggested by the proposal, and would have no authority to prevent a transfer of the firearms after lawful importation. As stated above, the GCA requires that federal firearms licensees maintain permanent records of their acquisition and disposition of firearms. ATF has a statutory right to inspect these records at a licensee's

premises and may request, by letter, that licensees furnish information from their records. However, ATF is prohibited by statute from centralizing or consolidating firearms transaction information. Thus, it is unrealistic to state that ATF is able to "monitor" transfers of imported firearms through the records of Federal firearms licensees.

Furthermore, Since the GCA imposes recordkeeping requirements only on licensees, any transfer of firearms between nonlicensed purchasers would likely be unrecorded. Even if a record were made of such transfers, ATF would have no statutory right to inspect such records. Thus, sales of imported firearms made after the first retail sale are beyond the scope of the GCA recordkeeping system.

As for the "tracing system" referred to in the proposal, ATF traces guns recovered from crime scenes at the request of Federal, State, and local law enforcement agencies. ATF begins with the importer or manufacturer of the firearm, as determined by the markings on the firearm, and traces the firearm through the records of the importer or manufacturer, through the chain of distribution to the last retail purchaser of record. Thus, only if the surplus military firearm is the subject of a trace request would ATF have the information to determine whether it was transferred in accordance with the assurances given by the importer at the time of importation.

Based upon the above, the requirements of the GCA are not a substitute for the end-use and transfer assurances currently required of importers by the State Department. Only if the firearm is a crime gun that is traced would ATF have information concerning transfers after importation.

3. Collector Grade Firearms-the 70 Percent Standard. The proposal states that applications would be submitted to import U.S. origin curio or relic firearms in their original military configuration in not less than 70 percent graded condition as that term is used in commercial grading books, such as the Blue Book of Gun Values. The proposal also states that this requirement could be waived if the importer states his agreement to restore such firearms to 70 percent condition before the first transfer of such firearms in the United States.

Attached for your information is page 22 of the Eighteenth Edition of the Blue Book of Gun Values, which explains the grading criteria referred to in the proposal. The standard is based upon the percentage of the original factory finish bluing remaining on the firearm. This standard is

subjective and would very difficult for ATF or Customs to administer. Moreover, since the proposal would allow an importer to agree to restore the firearms to the 70 percent condition after importation, the standard would be virtually unenforceable.



United States Department of State
Bureau of Political-Military Affairs
Washington, D.C. 20520-6817

Mr. Larry White
Acting Chief, Firearms and Explosives Imports Branch
Bureau of Alcohol, Tobacco, and Firearms
650 Massachusetts Ave., N.W.,
Washington, D.C. 20226-0013

Dear Larry:

We are aware that the Department of the Treasury, the Bureau of Alcohol, Tobacco and Firearms (BATF) has before it for reconsideration a case of a proposed import by INTRAC Corp., which it has previously denied after consultation with the Department of State. We wish to reaffirm our recommendation that Treasury disapprove the proposed import, but we consider it timely to clarify for BATF's background the basis for State's position in this and similar cases, given the recurring nature of such proposals and the inquiries associated with them. I have accordingly attached a detailed explanation of State's position in these matters, and the underlying policy and legal considerations that inform that position. For use with the public, we will be providing a proposed paragraph for BATF to include in denial letters referring briefly to State Department considerations.

I hope the attached explanation of State's policy, its basis and practice thereunder is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "John Barker".

John Barker
Deputy Assistant Secretary
for Export Controls
Bureau of Political-Military Affairs

Attachments:
As stated

DEPARTMENT OF STATE VIEWS

Pursuant to well established procedures, BATF has routinely consulted State concerning proposed imports of U.S.-origin military firearms that were granted to foreign countries by the USG as military assistance or sold by the USG for military purposes to foreign countries. As discussed in more detail below, applications to import such firearms implicate two separate authorities of the Secretary of State: the authority to "consent" to retransfers of those firearms under section 3(a) of the Arms Export Control Act (AECA) and parallel provisions of the Foreign Assistance Act of 1961 (FAA); and the authority to provide guidance to Treasury with respect to the "control" of such imports under section 38(a) of the AECA. Although such cases, including that of INTRAC, are often presented for State Department views pursuant to section 38(a) in the context of applications by prospective private transferees to import such military weapons into the U.S., State resolves these matters by addressing the preliminary issue presented by all such cases: that is, whether State would exercise its authority under the separate authority of AECA section 3, and the policy developed thereunder, to give consent to the foreign government to retransfer such weapons to a private entity.

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Ideally, State should be presented first with a request from a prospective foreign government transferor required to secure State's written consent to retransfer to any third party transferee. If State denies such a request, it need never reach the point of having to exercise its section 38(a) authority to provide views on the related import application of the prospective transferee. Regardless of whether the request from the prospective transferor in fact is submitted first, as an analytic matter, a decision that State would not grant that request is dispositive.

Specifically, AECA Section 3(a)* provides in pertinent part:

"No defense article or defense service shall be sold or leased by the United States government under this Act to any country or international organization, ... unless --

(1) [such] furnishing ... will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article ... so furnished ... to anyone not an officer, employee, or agent of that country or international organization ... unless the consent of the President has first been obtained."

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* The Secretary enjoys comparable authority under section 505 of the FAA for deciding whether to provide such consents for defense articles that were provided under that Act.

Section 3 imposes no limits on the reasons for which the Secretary of State (to whom this authority is delegated) may withhold consent to a requested retransfer. The reasons or standards for authorizing retransfer or transfer are the same. They relate to findings by the President that the provision of such articles strengthen national security and promote world peace (see section 3(a)) and considerations by the Secretary of State in administering the Act, under the direction of the President, relating to the foreign policy of the U.S.

In this latter regard, Section 2 of the Act, entitled "Coordination with Foreign Policy" provides specifically that

"... the Secretary of State (taking into account other United States activities abroad, such as military assistance, economic assistance, and food for peace program) shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this Act, ...to the end that sales, financing, leases, cooperative projects, and exports will be integrated with other United States activities and to the end that the foreign policy of the United States would be best served thereby."

* These provisions establish a regime for USG furnishing of military weapons in order to strengthen the security of the U.S. and promote world peace; they provide for the administration of such sales and financing programs as an integral part of other USG activities abroad and to the end of best serving USG foreign policy. Careful administration of the retransfer consent policy serves U.S. foreign policy interests by helping to prevent unfettered trafficking in U.S. military weapons (never intended or financed by the USG for private trade). It is contemplated generally that foreign policy would be affirmatively served by transfers and retransfers among friendly foreign governments, while authorizing movement of the weapons from governmental to private trade channels has not been viewed typically as serving such an end. In addition, difficulties in enforcing controls against private parties would likely result in an erosion of respect for the controls, with the foreseeable result that over time there could be decreased respect for, and compliance with, those controls by foreign governments. It is also of concern that U.S. foreign policy interests could be undermined by rules that imposed rigorous controls to prevent transfers to private parties abroad, but that lifted such controls to freely permit such transfers to private parties in the U.S.

In view of these considerations, in 1987 State developed a regulatory policy on proposed retransfers to private parties of such U.S.-origin sold or granted defense articles that qualified as Significant Military Equipment (SME).* The backdrop for this policy included the fact that the AECA set clear controls on retransfer to foreign governments, granted exclusive and plenary

* SME was defined in a recent enactment in AECA section 47, in accordance with past practice, as those articles for which special export controls are warranted because of the capacity of such articles for substantial military utility or capability, and identified on the U.S. Munitions List (see AECA section 47).

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authority to the President (delegated to the Secretary of State) to consent to retransfer requests for defense articles, did not expressly authorize or prohibit retransfers to private parties, and, separately, gave further authority to State to provide views to "guide" Treasury with regard to imports of such weapons.

In the absence of a definitive statutory statement on retransfers to private parties, State considered that the law did not preclude consenting to retransfers to private parties. But in view of the evident concerns, the policy provided generally that consent for retransfers to private parties wherever located — abroad or in the U.S. — would not be granted unless a public interest in such an import could be shown, such as certain situations in which the article would be placed on static display in a museum and demilitarized, or used for a federal contract. These exceptions involved instances in which the end use could be effectively assured, and retransfer would not pose further problems. In cases where the private party was in a third country, the host country was also asked to provide end use and retransfer assurances. This policy was adopted in the interest of maintaining to the maximum extent possible analogous control over such defense articles in private hands as applied when they were in the hands of the governments to which they were initially transferred by the USG.

When this policy was developed, firearms furnished to governments under the AECA or a foreign assistance program were prohibited from import due to the AECA's prohibition in section 38(b)(1)(A), which generally requires that regulations issued under section 38 prohibit the return to, for sale in, the U.S. of military firearms or ammunition of U.S. manufacture furnished by the USG to foreign governments under the AECA or any other U.S. foreign assistance or sales programs. However, a limited exception enacted in December 1987, section 38(b)(1)(B), provided that the prohibition does not extend to certain firearms designated as "curios and relics" by the Secretary of the Treasury (pursuant to 18 U.S.C. §925(e)(1)).* With the enactment of this provision, these curios and relics were no longer subject to this special prohibition, but instead could be considered on the same basis as other U.S.-origin defense articles. Notably, the 1987 amendment does not affect the Secretary of State's power to "consent" to retransfers and does not require that firearms covered by it be

* Section 925(e) of Title 18 provides that "[n]otwithstanding any other provision of this title, the Secretary [of the Treasury] shall authorize the importation of ... rifles ... shotguns ... [and] handguns, listed as curios and relics ...". By its own terms, this provision overrides only other provisions of title 18, and does not override the Secretary of State's authorities under the AECA to control retransfers and disposition of U.S.-origin weapons. This conclusion that the AECA authorities prevail is amply borne out by repeated legislative proposals to override AECA authorities -- most recently introduced and defeated in the Fiscal Year 1998 Commerce, State, and Justice Appropriations Act -- which would prevent federal employees from denying any import applications for such U.S.-origin military weapons designated curios and relics.

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licensed for import; rather, it simply forbids application to these firearms of the rule that the regulations must prohibit their return to the U.S.* The Department then proceeded to apply its policy applicable to SME generally to curio and relics firearms in cases where State consent was required under the AECA or FAA.

At this point, it became relevant for State to consider import applications for such firearms, such as INTRAC's, submitted under AECA section 38(a), which authority provides a separate basis for disposing of these matters. That statute provides that

"[i]n furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services."

The President's authority to issue permanent import licenses pursuant to section 38(a) has been delegated to the Secretary of the Treasury, subject to the condition that that Secretary be guided by the views of the Secretary of State " . . . on matters affecting world peace, and the external security and foreign policy of the United States" (Executive Order 11958 (January 18, 1977, 42 F.R. 4311)). State has administered this provision with respect to the narrow exception for certain curios and relics in light of various policy and legal concerns. Most relevant in this regard is the Secretary's AECA section 3 retransfer consent authority and the policy described above concerning handling of requests to retransfer to private parties wherever located. Further, insofar as section 38(a)(1)(A) and (B) only address importation into the U.S, these provisions have not been considered relevant to the question of when retransfers to private parties generally could be permitted.

In general, U.S. importers have not been able to demonstrate that they could provide effective end use and retransfer assurances contemplated by the policy described above, largely because these guns were of interest for commercial distribution and ultimate sale to persons in the U.S. who wish to be able to operate them. The Department has thus generally denied retransfer consents requested by foreign governments** to offset such sales and imports and

* The only legislative history on this provision is found in Committee on Appropriations report language which indicates that the provision was added "to allow importing of relic or curio firearms." H.Rep. 100-410 (October 28, 1987) (Emphasis added).

** Foreign government interest in such retransfers is potentially affected when they are advised of the requirements of FAA section 505(f). This provision requires in certain cases the return of net proceeds when foreign governments subsequently sell certain defense articles furnished originally by the USG under military assistance programs. Although there is authority to waive this requirement in certain cases, as State Department foreign aid levels have declined, such reimbursement from foreign governments has been more frequently required. This factor has made it far less attractive to foreign governments to seek to sell such guns for resale in the U.S if they will not realize any windfall profits. This authority to decide on whether to demand remittance of net proceeds did not figure significantly in the development of the retransfer consent policy.

accordingly advised Treasury of our view that such applications should be denied.

In summation, the circumstances of cases of imports of U.S.-origin military weapons sold or granted by the USG may implicate two separate authorities of the Secretary of State:

- the authority to approve retransfers; and,
- that aspect of the President's authority to control imports by giving views on foreign policy to guide the decisions of the Secretary of Treasury on import applications.

As noted above, the first of these two authorities is sufficient to resolve cases of proposed retransfers to private parties, like that of INTRAC. The statutory regime authorizing the provision by the USG of such weapons to foreign governments gives no credence to any claim of right of private parties in such weapons or in demanding that they be allowed to enjoy free trade in such weapons. Certainly too, the implementation of the above-described regulatory policy in a consistent manner by three Administrations is neither arbitrary nor capricious. Rather the policy so implemented -- imposing comparable controls on USG granted and sold weapons, which are subject to the same general statutory regime, wherever such weapons are located -- constitutes a reasonable exercise of such statutory authorities.



10/30/97

FROM: TINO CUELLAR

PAGES INCLUDING
COVER: 6

TO: LEANNE SHIMABUKORO

OFFICE OR AGENCY: WH DOMESTIC POLICY COUNCIL

PHONE: (202) 456-5574

FAX: (202) 456-7028

COMMENTS: REGARDS.

THIS FAX MAY CONTAIN SENSITIVE INFORMATION BELONGING TO THE U.S. DEPARTMENT OF THE TREASURY. ANY DISTRIBUTION, COPYING OR DISCLOSURE OTHER THAN TO THE INTENDED RECIPIENT IS STRICTLY PROHIBITED AND MAY VIOLATE APPLICABLE FEDERAL LAWS. IF YOU RECEIVE THIS FAX ERRONEOUSLY, PLEASE CALL THE NUMBER ABOVE AND RETURN THE RECEIVED FAX, WITHOUT MAKING ANY COPIES BY MAIL TO THE U.S. DEPARTMENT OF THE TREASURY. THANK YOU FOR YOUR ASSISTANCE.

9/17/97

"CURIO OR RELIC" SURPLUS MILITARY WEAPONS

◦**THE MURTHA AMENDMENT WOULD LET U.S-ORIGIN SURPLUS MILITARY GUNS FLOW INTO THE UNITED STATES:** An amendment offered by Rep. Murtha would allow the importation of U.S. origin surplus military weapons acquired by other countries from the United States. The amendment would prohibit the use of appropriated funds by any Federal agency to deny an application for a permit to import United States origin military rifles and handguns that are curios or relics¹, including parts and ammunition for such firearms. Last year, an effort was made in the Commerce, Justice, and State Appropriations bill to force the Departments of State and Treasury to allow the importation of all of these weapons, regardless of the foreign policy considerations. That attempt was unsuccessful.

◦**MILLIONS OF GUNS ARE AT ISSUE:** According to the State Department's Bureau of Politico-Military Affairs, over 2.5 million U.S. manufactured guns now considered "curios and relics" were given or sold at deep discounts to foreign governments between 1950 and the present. These figures include 1.2 million M-1 carbines as well as 950,000 M-1 Garands and 270,000 M-1911 .45 caliber pistols.

◦**THESE WEAPONS MAY BE ESPECIALLY ATTRACTIVE TO CRIMINALS:** The Administration is particularly concerned about the M-1 carbine and the .45 caliber semiautomatic pistol. The M-1 carbine was not designed for sport or even personal defense, but for war. It can be turned into an automatic weapon (machine gun) with easily available parts costing about \$100 or less. The compact size of the carbine, its ability to accept large capacity magazines, and the ease with which it can be converted to a fully automatic weapon make it attractive for use as a crime gun. The .45 caliber semiautomatic pistol is a powerful, concealable handgun.

◦**THESE GUNS ARE DEADLY, AND HAVE BEEN RECOVERED FROM HUNDREDS OF CRIME SCENES:** Between September 1989 and today, the ATF's National Tracing Center traced 1,889 M-1 rifles and 2,663 M-1911 .45 caliber pistols recovered by law enforcement officers throughout the United States. Since January 1997 alone, ATF has traced nearly 1,000 of these weapons. Police officers' lives have been lost because of the use of these surplus weapons. In January of this year, two California Sheriff's Deputies, James Lehmann, Jr. and Michael Haugen, were killed with an M-1 carbine while responding to a domestic violence call. In 1994, Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty by an M-1 carbine.

¹The Bureau of Alcohol, Tobacco, and Firearms (ATF) defines "curios and relics" as (i) firearms that were manufactured at least 50 years prior to the current date; (ii) firearms that are certified by a municipal, State, or federal museum that exhibits firearms to be of museum interest; or (iii) any other firearm that derives a substantial part of its monetary value from the fact that it is novel, rare, bizarre, or associated with some particular historical figure, period, or event. By law, certain curios or relics not of U.S.-origin may be imported into the U.S. by licensed importers. These include curio or relic handguns that are particularly suited for sporting purposes and curio or relic rifles and shotguns. Firearms may not be imported from certain proscribed countries.

◦**THE IMPORTATION OF THESE GUNS WOULD AFFECT THE ENTIRE MARKET FOR ILLEGAL FIREARMS:** The massive influx of deadly weapons at cheap prices would facilitate the illegal acquisition of guns throughout the United States. Already, thousands of these weapons have been used in crimes. The availability of hundreds of thousands of additional weapons at low prices could have an impact on the entire illegal market in firearms, particularly given the ease of converting these weapons to fully automatic fire.

◦**THE PROVISION WOULD LIMIT THE STATE DEPARTMENT'S ABILITY TO KEEP WEAPONS OUT FOR LEGITIMATE FOREIGN POLICY REASONS:** Currently, the Secretary of Treasury consults with the Secretary of State to prevent the importation of surplus military "curio or relic" firearms that originated in the United States. Under the Murtha Amendment, ATF would no longer be able to follow State Department guidance to deny permits for the importation of these firearms in the interest of foreign policy. The amendment could lead to the approval of any permit application for the issuance of permits to import U.S.-manufactured military weapons that were provided to foreign governments over the last several decades under military assistance programs, specifically the M-1 carbine, the M-1911 .45 caliber semiautomatic pistol, and the M-1 Garand rifle. Quantities of bolt action rifles and revolvers in .38 and .45 caliber would also be available for importation. The State Department's discretion to deny importation of these weapons for legitimate foreign policy reasons would disappear.

◦**ALLOWING THESE SURPLUS GUNS INTO THE COUNTRY GIVES IMPORTERS AND FOREIGN GOVERNMENTS A WINDFALL PROFIT:** Large quantities of these weapons were provided to foreign governments without cost or at very low cost. The amendment would eliminate the current requirement that proceeds of any sales be turned over to the United States government. Therefore, to the selling government, any profit is a windfall profit. Because the seller's price would be artificially low, the purchaser's profits are also windfall profits. In effect, this provision will result in a subsidy by U.S. taxpayers to both the selling government and the firearms importer.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

September 24, 1997

MEMORANDUM FOR: Leanne Shimabukoro
White House Domestic Policy Council

FROM: Tino Cuellar
U.S. Department of the Treasury 

SUBJECT: Curio or relic surplus weapons

I wanted to send you some information on the curio or relic military surplus weapons issue in case you need it for future reference. Since many of the interest groups pressing for the change in the law will likely make another attempt next year, it may be useful to have ready material so you can use it.

Please find attached:

- 1) A cleared set of talking points on curio or relic military surplus weapons; and
- 2) A copy of the Congressional Register material covering the circumstances under which the Murtha Amendment was dropped.

I hope all continues to go well and I look forward to talking to you soon.

r 17, 1997

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September 17, 1997

Now, we are talking about whether or not Federal employees ought to have access to the same legal medical procedures as other Americans. Remember, these are people who are paying taxes to fund the health benefits of the people who work at General Electric. We spend \$80 billion every year subsidizing private sector health plans, and our Federal employees pay that. Yet you would deny them the same benefits that they are funding for other Americans.

If you want to make abortion illegal, bring the bill to the floor and let us vote on it; but do not make Federal employees second-class citizens. Do not make the kind of woman that the gentlewoman from New York (Mrs. Lowey) just described.

I have one here, but it takes too long to talk about it. Here was a 36-year-old mother, she and her husband dying to have a family. She had a child with no brain at all. On medical advice she was urged to abort it, did, wants to have another child. She is an older mother, there are risks. She is trying to preserve her fertility because she desperately wants to have not one child, but several. After extensive testing, the medical community said this child has no chance of life at all, it has no brain at all, and you need to abort it and go on.

So I just ask for equal treatment of Federal employees. It is only fair.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield the balance of my time to the gentlewoman from Connecticut (Ms. DELAURO), a woman who has been a fighter on this issue and so many others.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentlewoman from Connecticut is recognized for 30 seconds.

Ms. DELAURO. Mr. Chairman, I rise in strong support of this amendment, which will end the prohibition of abortion coverage for American women, coverage under the FEHB health plan. It seems that every time we turn around we see that some on the other side of the aisle would like to draw back the line of a woman's right to choose.

This is a constitutional right to choose. This is a choice and decision that should be made by a woman, her family, in consultation with her clergy, with her doctor. No matter what the level, no matter where she lives, what she does for a living, every woman has a right to make this decision for her own. We have no right to take that decision away.

My colleagues to support this amendment. Let us stop discriminating against government workers.

CHAIRMAN. All time under the unanimous-consent agreement has expired. The question is on the amendment proposed by the gentlewoman from New York (Mrs. Lowey).

The amendment was rejected.
CHAIRMAN pro tempore. The bill will read.

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The Clerk read as follows:

SEC. 517. The provision of section 516 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS

SEC. 518. Notwithstanding any other provisions of law, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with the denial of an application for the importation of military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) submitted under section 38(b)(1)(B) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)(B)), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988, if the application meets the otherwise applicable requirements of section 178.112 and 178.113 of title 27, Code of Federal Regulations (as in effect on January 1, 1996), and the application is not for the importation of articles on the United States Munitions Import List from a proscribed country. For purposes of the preceding sentence, the term "proscribed country" means a country with respect to which the proscriptions contained in section 47.52 of title 27, Code of Federal Regulations, apply.

POINT OF ORDER

Mrs. MCCARTHY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentlewoman will state her point of order.

Mrs. MCCARTHY of New York. Mr. Chairman, I make a point of order against section 518 on page 80 because it proposes to change existing law and constitutes legislation in an appropriations bill, and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part no amendment to a general appropriations bill shall be in order if in changing law. The amendment does not apply solely to the appropriations under consideration.

I am asking for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Maryland (Mr. HOYER) wish to be heard on the point of order?

Mr. HOYER. Yes.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. HOYER. Mr. Chairman, reserving the right to speak on the point of order, we will concede the point of order. We have reviewed it, and the gentlewoman is correct.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, we would concede the point of order is correct. While I strongly favor this provision, given the circumstances that this bill is brought to the floor, this provision is clearly legislation on an appropriations bill.

Mrs. MCCARTHY of New York. Mr. Chairman, if section 518 were passed as part of the

Treasury and Postal Operations Appropriation bill, I believe the result would be an increase in gun violence and increased danger to the lives and safety of our Nation's police officers.

Section 518 would effectively allow foreign governments to resell millions of dangerous, high-powered M1 carbine semiautomatic weapons, M-1 garand rifles, and .45 caliber M1911 pistols in the United States as curios and relics. Importing such high-powered weapons would flood the U.S. gun market, thereby lowering the price of these military weapons, making them more affordable for dangerous criminals.

Congressman PATRICK KENNEDY and Congresswoman CAROLYN MALONEY introduced legislation earlier this year that would help keep our streets safe by permanently banning the importation of these military weapons. The point of order offered today will only prevent the importation of such weapons for 1 year. It is time for Congress to follow Mr. KENNEDY's leadership and pass his bill to provide protection for America's families and police officers by ending the importation of these high-powered military weapons once and for all.

If anyone thinks that these curios and relics are not dangerous and should be imported freely into the United States, I would like to draw their attention to two critical facts. First, with the addition of three inexpensive pieces of hardware, the M-1 carbine—a semiautomatic weapon—can be easily converted into an automatic submachine gun with the potential of firing up to 30 rounds in a matter of seconds. This would effectively squash any rapid response law enforcement officers could ever hope to give.

Second, in the last several years, police officers have been killed and crimes committed at an alarming rate by these dangerous weapons. Nine officers have lost their lives to these so-called relics since 1990. According to the Bureau of Alcohol, Tobacco and Firearms, nearly 2,000 M-1 garand rifles and M1911 pistols were traced to crime scenes in 1995 and 1996. In New York, 71 of these so-called curios and relics were linked to crimes committed during the past 2 years.

Foreign governments should not be allowed to profit off of our misery. We need to make sure that we put a stop to that while trying to reduce gun violence. It is bad policy to allow anyone, including our own Government, to profit off of the agony and pain of others.

Gun violence takes a serious financial toll on our society and on our Nation's healthcare system. According to a May 1997 Violence Policy Center study, firearm injuries cost society approximately \$20.4 billion in 1990. Of that figure, at least \$17.4 billion represents the value of lost productivity due to premature deaths. According to the Center to Prevent Handgun Violence, direct healthcare expenditures for firearm-related injuries in the United States in 1995 was \$4 billion. This figure is high because firearm wounds are the most costly injuries to treat.

Aside from the physical healing that takes place after gun violence there is also the emotional healing. Gun violence leaves families in shambles. It leaves the loved-ones to pick up the pieces of their lives and an empty hole in the hearts of family and friends that can never again be filled. I know from my own experience that gun violence can completely alter the course of a person's life—it did mine. Congress shouldn't allow foreign countries to dump their weapons in our country. We all

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know what happens when high-powered weapons fall into the hands of the wrong people. Although some may consider these weapons collectors' items, they are lethal weapons. We need to permanently end the importation of these weapons.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to join in raising the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order?

The point of order is conceded and sustained, and section 518 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 519. No funds appropriated for the United States Postal Service under this or any other Act may be expended by the Postal Service to expand the Global Package Link Service.

POINT OF ORDER

Mr. McHUGH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. McHUGH. Mr. Chairman, section 519, found on page 81, lines 13 through 16 of the legislation before us, applies not only to current appropriations, but incorporates by reference the permanent appropriations authority contained in title 39 United States Code section 2401(a), and thus violates clause 2 of rule XXI of the House prohibiting reporting a provision which changes existing law.

The CHAIRMAN pro tempore. Does any other Member wish to be on the point of order heard?

Mrs. NORTHUP. Mr. Chairman, regarding the point of order, I understand this provision is probably subject to a point of order and will be stricken, but I want to reserve my right to strike the last word after it is completed and make a few comments.

The CHAIRMAN pro tempore. Does the gentleman from Pennsylvania [Mr. FATTAH] wish to be heard on the point of order?

Mr. FATTAH. Mr. Chairman, I rise as the ranking minority Member on Postal Service in support of the point of order, and would hope that the Chair would concur that clause 2 of rule XXI would be in play as relates to this amendment, and that it should be struck because it attempts to add legislative language to an appropriations bill.

The CHAIRMAN pro tempore. Does the gentleman from Maine [Mr. ALLEN] wish to be heard on the point of order?

Mr. ALLEN. Mr. Chairman, the point of order just made by the gentleman from New York [Mr. McHUGH] was made against section 519 of the bill, which would restrict the U.S. Postal Service's Global Package Link System.

That provision does not belong in

to prohibit is the expansion of the Global Package Link System by the Postal Service.

In changing the authority governing the Postal Service's operations, it violates the House rule against legislating on an appropriations bill.

Legislation affecting the Postal Service is clearly within the jurisdiction of the Committee on Government Reform and Oversight, on which I serve. The committee will be looking at Global Package Link as part of postal reform, and that is an appropriate course for review, rather than through this rider.

The Global Package Link, or GPL, is a valuable program that helps U.S. businesses gain new markets and opportunities overseas, which means more jobs here at home. GPL was established by the Postal Service at the request of U.S. catalog companies, who wanted a faster and better way to ship their packages to international customers.

One of these customers is L.L. Bean, which is in my districts in Freeport, Maine. GPL is good for American business and good for jobs. It is innovative. Other competitors like UPS could establish similar systems and streamline their own overseas delivery service.

The CHAIRMAN pro tempore. The Chair would ask the gentleman to confine his remarks to the point of order and not the merits of the section.

Does the gentleman from Arizona wish to be heard?

Mr. KOLBE. Just to say, reluctantly, I accept the point of order, that it is legislation on the appropriations bill. Given the circumstances of bringing this bill to the floor, this would not be in order on this bill.

The CHAIRMAN pro tempore. Does any other Member wish to be heard?

Mr. HOYER. Mr. Chairman, we concede the point of order on this side.

The CHAIRMAN pro tempore. The point of order is conceded and sustained, and section 519 is stricken from the bill.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Global Package Link provision, authored by Representative Northrup, (R-KY) would prohibit the United States Postal Service (USPS) from expanding its Global Package Link international parcel service for one year, while a Government Accounting Office (GAO) report is completed on the issue of international mail. The GPL, an "electronic Customs preparatory system" was developed by the USPS in direct response to its customers demands. It allows our nation's largest and leading retailers such as Lands' End, Neiman Marcus, J.C. Penny, L.L. Bean and others to deliver merchandise to their catalog customers in the United Kingdom, Canada, and Japan. These and many other companies support and rely upon the Postal Service to send their products via the GPL service.

By way of legitimately responding to a postal matter under the jurisdiction of the Sub-

any unfair advantages over shipments by private carriers. We expect to have a report on this matter early next year.

The Blair Corporation, a large mail company located in my State of Pennsylvania, provided some very thoughtful comments on the Northrup provisions. Thoughtful, because unlike the numerous mail-order firms currently using the Postal Service's GPL service, Blair is not a current user. The President of Blair Corporation states:

"We cannot believe that our Congress would stop a valuable international delivery service, which has become very important in expanding the exports of U.S. direct mail companies, and could become the means by which our company and others like it are to enter the international market, without a hearing before the appropriate Committee of Congress, which understand postal operations and their importance to the direct mail industry."

This attempt to prevent the Postal Service from operating as any other business when so many in the Congress as well as the business community have pleaded with the Postal Service to become more businesslike and more efficient, is ironic. Global Postal and other Postal Service innovations are a serious response by the Postal Service to the needs of the business community. This amendment will wipe out an important Postal Service effort to become more businesslike and will represent a serious barrier to many mail order companies and damage this country's export efforts. We urge you to reject this effort to end-run the authorizing committees and vote "yes" to strip the "Northrup" Amendment from H.R. 2378.

In conclusion, the Northrup provision is framed as a limitation on funds, but contains legislative language. It does not belong on an appropriation bill. This is a violation of House Rules.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, understanding that the last provision that we struck was the Global Package Link freeze for one year, I just want to take this opportunity to comment on the importance of this issue.

We all believe that we need to expand all trading opportunities that businesses in this country have. In particular it is important that we open and expand opportunities for overnight delivery services.

The concern that the committee has and that I raised in the committee is that when we open these opportunities we should not allow the United States Post Office to create a monopoly so that only they can deliver overnight packages.

That is what you do when our government, a government entity, negotiates with another government that this overnight link occurs only if the packages are brought in by the Postal Service.

These arrangements allow the Postal Office to bypass both customs price-wise and time-wise, so that they can deliver overnight and no private carriers can. We believe all private carriers should have an opportunity to

Chris/turk/Carol

The House Dems have once again resurrected the Curio Arms provision. I have copies here and will take to PM/Kessler

Highlights: We could not spend money in connection with the denial of an application that

a) meets otherwise applicable features of 178.112 and 113 of CFR (as in effect Jan 1, 1996)

b) is not for M-1 Carbines (or variants) or M1911A1 pistols: and

c) is not for importation of articles on munition list from a proscribed country. eg one in 47.52 of title 27 of CFR

sharon Waxman has text. She wants to know how hard we and admin would fight this. Is it better or worse than language option we developed earlier for Linsky.

I will also send a copy of this to Will Davis at NSC

Bob H

CURIOUS

2. WILL D

1. CHRIS

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
LEGISLATIVE AFFAIRS

PHONE: 395-4790 / FAX: 395-3729

TO: Michelle For Rahn José Corra
Virginia For Hilley Peter Jacoby

DATE: 11/4

FROM:

____ CHUCK KIEFFER

____ CHUCK KONIGSBERG

____ LISA KOUNToupES

✓ ____ ALICE SHUFFIELD

____ KATE DONOVAN

____ NANCY BRANDEL

Comments: Final Antiqua Weapons letter

FAX #: 6-2530, 6-6220, 6-7028

PAGES: _____

PHONE NUMBER: _____

(includes cover page)



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 1997

THE DIRECTOR

The Honorable Judd Gregg
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Gregg:

The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that would allow large quantities of surplus military weapons to be imported.

The Administration finds it unacceptable that -- in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets -- the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons, including M-1 Garands and M-1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid. Moreover, hundreds of these guns have already been recovered by law enforcement officers throughout the United States. Opening the door to more of these weapons would only serve to further undermine public safety.

We strongly urge the Committee to reject this provision.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin D. Raines".

Franklin D. Raines
Director

Identical Letters Sent to The Honorable Earnest Hollings, The Honorable Frank Lautenberg,
The Honorable Alan B. Mollohan, and The Honorable Harold Rogers