

FOIA MARKER

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OA/ID Number: 18930

FolderID:

Folder Title:
Surplus Military

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CURIOS AND RELICS

- The amendment offered by Rep. Murtha prohibits 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 relics*, including parts and ammunition for such firearms. Under this provision, ATF could no longer follow State Department guidance to deny the importation of these firearms in the interest of foreign policy.
- The effect of this amendment is to require approval of any 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 M1 carbine, the M1911 .45 caliber semiautomatic pistol, and the M1 Garand rifle. Quantities of bolt action rifles and revolvers in .38 and .45 caliber would also be available for importation.
- The Administration is particularly concerned about the M1 carbine and the .45 caliber semiautomatic pistol. 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 (machine gun) give it high potential for use as a crime gun.
- The .45 caliber semiautomatic pistol is a powerful, concealable handgun.
- 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 to both the selling government and the firearms importer.
- **Our concern is with the massive quantity of weapons sought to be imported. Although M1 carbines are not currently popular crime guns, the availability of hundreds of thousands of weapons at low prices could have an impact on the illegal market in firearms, particularly with the ease of conversion to fully automatic fire.**

**Curios and relics are defined by ATF as (i) firearms that were manufactured at least 50 years prior to the current date; or (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.*

' Surplus Weapons, Surplus Danger

GUN SALES are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete "curios and relics" of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as \$100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weap-

ons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995-96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D-N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as "spoils of war." President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

A narrow escape in New York

By a minor miracle and some good police work, New York city escaped yet another terrorist incident last week, one which could have easily rivaled in devastation Wednesday's suicide bombing in Jerusalem's vegetable market. The two suspects, Abu Maizar and Lafi Khalil, arrested Thursday following a shoot-out with New York cops, apparently planned to strap massive explosives to their bodies and set them off in the crowded New York subway. The carnage this would have caused is only too easy to imagine.

While the first thought that comes to mind is what kind of people would want to commit such an act against others, the second is perhaps what kind of 24 year-olds would want to blow themselves to smithereens? The answer seems to be the same in New York as in Jerusalem, members of the fanatical Hamas organization for whom no sacrifice is too great if they can take some of their "enemies," be they

innocent Israelis or Americans, with them. Sadly, none of this comes as a surprise anymore.

Still, one question, posed by an understandably furious New York Mayor Rudolf Giuliani, has not received a satisfactory answer yet: what were these two characters doing in the United States in the first place? At least as regards one of them, Abu Maizar, there was a myriad of red flags going up. Entering the country in January via Canada, he was reportedly seeking political asylum in the United States because the state of Israel had branded him a terrorist and wanted to put him behind bars. Well, guess what? The Israelis seem to have been right! While an immigration judge ruled against Mr. Maizar's application and scheduled him for deportation on Aug. 23, she also allowed him out of detention on \$5,000 bail — to plot to kill and maim numbers of unsuspecting New Yorkers. What on earth was the INS thinking?

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

Phone: (202) 622-0300

Fax: (202) 622-7301

Date:

Page 1 of _

TO: Jose Cerda

FAX: 456-7028

FROM: S Grubing

SUBJECT: Cuiros & Relics

MESSAGE: ~~The~~ Last time, Rahm
crafted a compromise
but it was not needed
as the provision was
dropped. Treas Leg Aff
has been in touch with
WH Leg Aff. 

07/29/97 1:59PM 202 SENATOR LAUTENBERG

NO. 283

P. 2/22 002

offered by Murtha and accepted by
voice vote in full committee.
manip of TPS Appropriations

AMENDMENT NO. _____

Calendar No. _____

Purpose: To clarify the lawful importation of U.S. origin curio and firearms, parts and ammunition, and for other purposes.

IN THE UNITED STATES HOUSE OF REPRESENTATIVES --
105th Cong., 1st Sess.,

H.R. _____

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the Fiscal Year ending September 30, 1998, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and be printed

AMENDMENT intended to be proposed by Mr. _____

Viz:

At the appropriate place in the bill, insert the following new section:

TITLE _____ -GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. _____ CERTAIN HISTORIC U.S. ORIGIN FIREARMS IMPORTS.--

Notwithstanding any other provision 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. 2775(b)(1)(B)), as added by section 8142(e) of the Department of Defense Appropriations Act, 1988, if the 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, 1988), 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.

Bill Draft

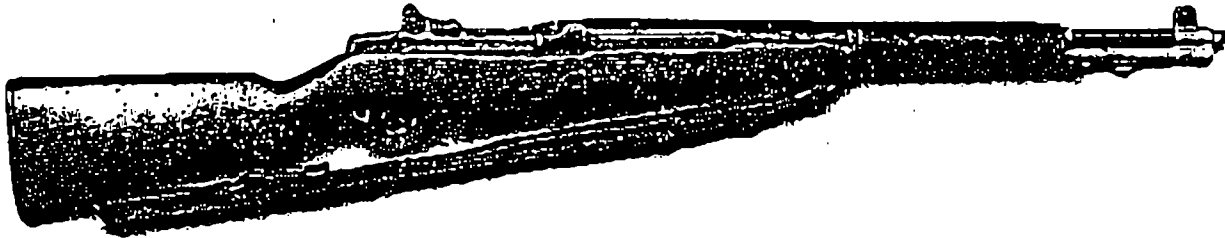
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Report Language

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SEC. ____ CERTAIN U.S. ORIGIN HISTORIC FIREARMS IMPORTS. This section concerns the importation of historic firearms, more specifically "curios or relics". Congress first enacted a statute, 18 U.S.C. § 925(e), specifically allowing curio or relic imports. At the time of enactment, however, the statute only benefited foreign collectibles, since other acts interfered with U.S. origin curio or relic imports from returning to the United States. In 1988, Congress remedied the inconsistency by making provision for the importation of certain U.S. origin ammunition and curio or relic firearms and parts into the United States at 22 U.S.C. § 2778(b)(1)(B). The Treasury Department issued implementation regulations after the passage of both laws. The Department of State, which in certain cases consults with the Treasury Department on firearms imports, avoided implementation of the 1988 law by refusing to consent to U.S. origin import applications, ostensibly on the basis of foreign policy interests. This section makes the Congressional intent of allowing these imports even clearer. It does so by prohibiting any part of the government from using appropriated funds to deny an otherwise qualified application for the importation of U.S. origin ammunition and curio or relic firearms and parts from nations that are not proscribed pursuant to 27 C.F.R. §47.52. Proscribed nations are those that include countries such as North Korea and Cuba.

**U.S. RIFLE CALIBER 30 M1
(M1 GARAND)**



CALIBER: .30-06

ACTION: gas operated, semiautomatic

WEIGHT: 9.5 pounds

BARREL LENGTH: 24 inches

OVERALL LENGTH: 43.6 inches

MAGAZINE CAPACITY: 8 round clip (enbloc clip containing 8 cartridges is loaded into weapon through top of action)

MANUFACTURERS: Springfield Armory, Winchester, Harrington & Richardson, International Harvester

TOTAL PRODUCED: 5,468,772

CURRENT DOMESTIC PRICE: \$350 - \$500 (If additional large quantities become available price will go down)

The M1 rifle was the standard U.S. Military service rifle from 1936 through the late 1950s. Large quantities of the weapon have been supplied to European, African, Latin-American and Asian military forces.

**U.S. CARBINE CALIBER 30 M1
(M1 CARBINE)**



CALIBER: .30 M1 Carbine

ACTION: gas operated, semiautomatic (can be converted to full automatic)

WEIGHT: 5.5 pounds

BARREL LENGTH: 18 inches

OVERALL LENGTH: 35.6 inches

MAGAZINE CAPACITY: 15 or 30 round detachable magazine

MANUFACTURERS: Winchester, Inland Div. General Motors, Saginaw Steering Gear, National Postal Meter, IBM, Quality Hardware, Irwin Pedersen, Underwood-Elliott-Fisher, Rock Ola, Standard Products

TOTAL PRODUCED: 6,117,767

CURRENT DOMESTIC PRICE: \$250 - \$350 (If additional large quantities become available price will go down)

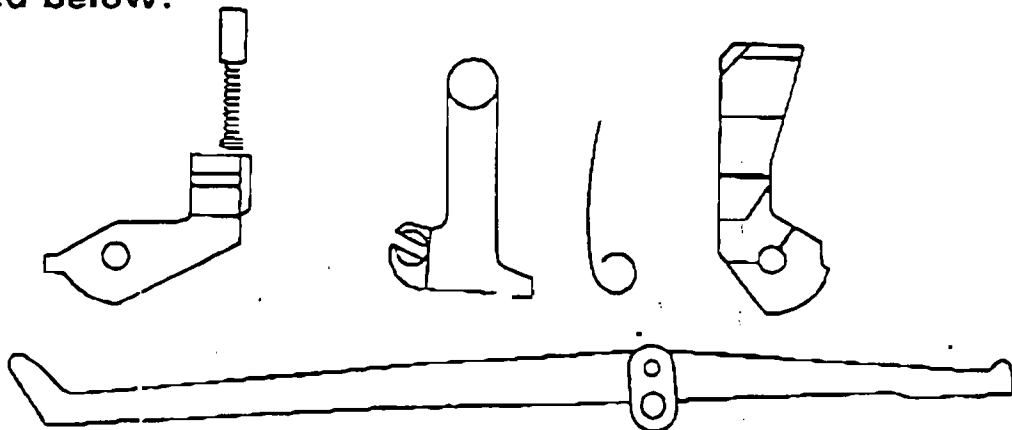
The M1 Carbine was a U.S. Military service rifle from 1941 through the late 1950,s. Large quantities of the weapon have been supplied to European, African, Latin American and Asian military forces.

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In certain configurations the M1 carbine meets the definition of semiautomatic assault rifle as contained in 18 USC § 921(a)(30)(B). The following illustrates an M1 Carbine in this configuration.



NOTE: All U.S. military M1 Carbines can be easily converted to full automatic weapons by the installation of the parts illustrated below.



The conversion does not require any particular skill and can be accomplished by merely disassembling the weapon and reassembling with the above parts.

If large quantities of M1 carbines become available there is a potential for law enforcement problems with illegal conversion of weapons to machineguns. ATF has seen an increase in converted M1 carbines over the last few years due largely to availability and relatively low cost of the weapon.

(Quantities of M1 carbines have been imported from South Korea and Germany)