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Status Report: Administrative Appeals Relating to Treasury Policy Decision on Large Capacity Military Magazine Rifle Importation - May 21, 1998 [2]

Stack:

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Row:

112

Section:

2

Shelf:

5

Position:

1

Amelia Kautz
David Lieberman] ATF Councils - 927-8229

Appeal Process - Licensees & Pending Applicants

→ 11 letters of Appeal - 6 or 7 sent letter/

- NO request for ~~specific~~ review & parents
- auth. to revoke in '89
- bench - intent auth. to revoke
- APA provision does not apply
- informal Adjudication

→ Cost 1 D.P.

Wrote to Director provided the ~~the~~ study & app. to appeal
11 letters - - appeals to Director
9 ATF

- - no one has complained about process

Go Set Up - Tech, Policy & Lawyers to examine issues
& create proposed decision letter & sent at
to the

Who:

② DOJ: Appeal letters sent - - Martha Rubio/Sandra
Schmidt

TO: DAHM
BRUCE
ELENA
KAREN

THE WHITE HOUSE
WASHINGTON

Office of Legislative Affairs

House Liaison

Fax Cover Sheet

From: OJIE
ASSAULTS
AMENDMENT
R's ME MY INK
TO ADD TO
SUPPLEMENTAL
TODAY

Date: 4/28

To: Jose Carda

Fax Number: 6-7028

From: Peter Jacoby
Special Assistant to the President
for Legislative Affairs

at (202) 456-6620

Comments: FYI

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Number of pages including cover: 5

AMENDMENT NO. _____ Ex. _____ Calendar No. _____

Purpose: To prohibit the denial of the entry of certain firearms previously approved for entry in the United States under 18 U.S. C. §925(d)(3).

United States Senate

One Hundred Fifth Congress

of the

United States of America

at the Second Session

AMENDMENTS SUBMITTED**MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1998, AND FOR OTHER PURPOSES.**

_____ AMENDMENT NO. _____

() Referred to the Committee on _____
and ordered to be printed.

() Ordered to lie on the table and to be printed.

Mr. _____ submitted an amendment to the bill H.R. _____, supra; as follows:

At the appropriate places and divisions indicated, insert the following:

TITLE _____-GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. ____ IMPORTATION OF CERTAIN FIREARMS.

Notwithstanding any other provision of law, none of the amounts appropriated or otherwise made available under this Act, or under any other provision of law, may be obligated or expended 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, to

In transit relief

Page 2

deny or refuse entry into the United States of 1 or more firearms (as defined in section 921 of title 18, United States Code) of the type or model the subject of the Department of the Treasury "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles" released on April 8, 1998, for which authority had been granted to import such firearms into the United States, on or before April 6, 1998, and which were, on or before April 6, 1998 in a bonded warehouse or foreign trade zone, in port, or, as determined by the United States on a case-by-case basis, in transit to a U.S. importer by any air, sea or land routings after having left the facility where they had been manufactured.

04/29/98 WED 00:36 FAX

In transit relief

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Report Language

SEC. ____ CERTAIN IN-TRANSIT RELIEF. The Secretary of the Treasury, pursuant to 18 U.S.C. § 925(d)(3), is charged by Congress to approve the importation of firearms into the United States for private ownership, if such firearms are determined to be for "sporting purposes." On November 14, 1997 the President signed an executive memorandum that immediately directed the Secretary of the Treasury to suspend the importation of all "modified assault weapons for 120 days while we study whether they can be permanently blocked from our borders and banned from our streets." On April 6, 1998 the Secretary of the Treasury, along with the President, announced the results of the Treasury study and the Treasury Secretary permanently banned the importation of all the gun types the subject of the study except for one firearms model.

The Committee strongly opposes the President's avowed intent to re-interpret the "sporting purposes" test in a narrow and obstructive manner to ban a new and very broad category of firearms imports well beyond the national policy established in 1894.

This Administration's action will put many of this country's importers out of business as a result of wrongly reinterpreting the "sporting purposes" test. Additionally, importers who have bought qualified firearms, but had not entered them into U.S. commerce before November 14, 1997, have no available remedy for property that now has no value, no re-export market, and may not be returned for a refund from overseas manufacturers.

Pending the work by the authorizing Committees on a provision that reverses the Treasury decision, this provision gives immediate relief and allows any goods that were detained at the U.S. border under suspended permits on or before April 6, 1998, to enter the commerce of the United States.

Brief summary of why in transit relief is needed-

Amendment No. _____ should be enacted based on the following reasons:

- It is a matter of fairness.

The amendment is being offered in the interests of simple fairness. The U.S. importers of these firearms and ammunition had no prior notice from the government of the President's action suspending permits on November 14, 1997. The current situation essentially constitutes a taking of the importers' private property.

- It addresses only the inequities of the embargo.

This amendment does not reverse or erode the Treasury order.

- It is narrowly tailored.

The amendment is intended to release these goods and allow them into the United States ONLY IF they were (on or before April 6, 1998) in transit, in port, in a foreign trade zone, or in bond, and the authority had been granted on or before April 6, 1998 to import these items into the United States. Goods already produced, contracted for, paid for, enroute, but not yet received are covered by this amendment.

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In transit relief**Page 4**

- The amendment is based on past precedent in similar situations.**

In the past, U.S. companies have been given notice or granted concessions for in-transit goods before such policy changes were implemented -- in order to minimize unnecessary financial harm and honor commercial relationships and agreements. In 1994, Congress granted in transit relief for a very similar situation for a sporting arms embargo the President imposed on China.

THE WHITE HOUSE
WASHINGTON

DOMESTIC POLICY COUNCIL

FACSIMILE FOR: RAHM | BRUCE | ELENA | KAREN

DATE: _____

TELEPHONE: _____

FAX: _____

FACSIMILE FROM: JOSE CERDA III
SPECIAL ASSISTANT TO THE PRESIDENT
FOR DOMESTIC POLICY

TELEPHONE: (202) 456-5568

FAX: (202) 456-7028

NUMBER OF PAGES (INCLUDING COVER): 5

COMMENTS: _____

TREASURY TALKING POINTS &SUMMARY ON ASSAULTSAMENDMENTS TO BE OFFERED (?)IN APPROP'S CONFERENCETODAY.Jose

Amendment to Authorize the Importation of Certain Modified Semiautomatic Assault Rifles

- The proposed amendment would allow the importation of semi-automatic assault rifles that accept large capacity military magazines (those accepting magazines of more than 10 rounds of ammunition). This directly contravenes the Secretary of the Treasury's decision of April 6, 1998 to ban the importation of these weapons.
- The weapons covered by the Secretary's decision include: AK-47s; Uzis; and 3 other designs of sporterized military-style assault rifles.
- The Secretary's decision was the right one. These weapons have no legitimate sporting purpose and are attractive to criminals who want to shoot a large number of rounds within a very short time.
- What this amendment would do is potentially allow 600,000 of these firearms into the U.S.
- According to the Customs Service, there are 2135 of these rifles that are in bonded warehouses in New York and Baltimore.
- Letting any of these weapons into the U.S. would be a serious mistake. It would make our streets more dangerous while not further any legitimate sporting purpose.
- There is no way to estimate the precise number of such firearms "in transit" to a U.S. importer from a foreign manufacturer. Moreover, even if the underlying reasons for this amendment were sound (which they are not), there are practical realities which make it unworkable. For example, advance manifests provided to Customs only list merchandise generically, as guns or firearms, without listing the specific types.
- The current situation is substantially different from than that at the time of the Craig amendment in 1994. In this situation the importers have had 5 months in which to assess risks and make any adjustments in their plans.
- Proponents are saying that the amendment only involves about 5,000 weapons. We have no way of verifying this information. While we know there are currently some 2100 in bonded warehouses, we have no way of

knowing how many are in transit from the manufacturers—especially as “in transit” is defined in the amendment.

- In the case of the Craig amendment, for example, proponents argued at the time that the numbers of weapons importable from China were small. The actual number approved for importation turned out to be 159,000 assault weapons.
- I don't think we should let in 2100 of these assault rifles, much less take the risk that the number would be far greater.
- In addition, in 1994 the order involved firearms from a single country, the PRC, whereas at least 13 countries are involved with the current permits.
- The Administration strongly opposes the adoption of this amendment.

**PROPOSED APPROPRIATIONS AMENDMENT TO ALLOW THE IMPORTATION OF
CERTAIN MODIFIED SEMIAUTOMATIC ASSAULT RIFLES**

I. Proposed Amendment

The proposed amendment would require ATF to allow, under certain conditions, the importation of those firearms that were determined to be non-importable in the Treasury Department's "Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles" (April 6, 1998).

- Relief would be provided if (1) ATF had approved the importation of such firearms on or before April 6, 1998 and (2) such firearms were, on or before April 6, 1998, in a foreign trade zone, in a bonded warehouse, in a port, or if such firearms were in transit to an importer in the United States by any air, sea, or land routings after departure from the manufacturing facility.
- The amendment would potentially affect 600,000 firearms because ATF had approved permits to import this number prior to Nov. 14, 1997. Approximately ~~2000~~ ²¹⁰⁰ subject firearms were in bonded warehouses.

II. Comparison to Craig Amendment

- The proposed relief provision is similar to the so-called Craig Amendment enacted in 1994 after the President imposed a ban on munitions from China. The Craig Amendment provided similar relief except it did not provide relief for articles that had merely left the manufacturer's premises. Under Craig, the articles must have left port in the Peoples Republic of China (PRC) consigned to an importer in the United States on or before May 26, 1994 (the date of the announced ban).
- As evidence of departure from the PRC, ATF generally required that importers submit a sales contract, packing list, and a bill of lading (or air freight bill). ATF also required additional evidence to corroborate that the vessel departed the PRC on the laden on board date indicated on the bill of lading.
- ATF encountered numerous problems in establishing in transit status. Establishing corroboration often required credibility determinations. Further, many articles were routed through third countries and it was difficult to determine whether such items were "in transit" to the U.S. or were merely in storage.

- ATF encountered several other problems in implementing the Craig Amendment. First, importers applied for relief for nearly 1.5 million firearms. (In the end, only 159,000 firearms were approved for importation under the Craig amendment). Secondly, importers often submitted incomplete applications without the necessary supporting documentation. Finally, since the Craig amendment did not define a specific time limit for submitting completed applications, importers were allowed to submit them for as long as the appropriation was in effect. Due to continuing resolutions, the Craig Amendment was in effect from August 26, 1994, until April 25, 1996.

III. Difficulties in Administering the Proposed Amendment

- In accordance with the above, the Craig Amendment imposed significant administrative burdens on ATF. The proposed amendment, as currently drafted, would be even more difficult to enforce, since it extends "in transit status" to any firearms that have left their manufacturing facilities en route to a U.S. importer.
- It will be impossible to estimate the number of firearms that will be alleged to have left manufacturing facilities in foreign countries for export to the United States on or before April 6, 1998.
- Given the number of countries involved, ATF would have serious problems in determining which commercial documents would establish in transit status. The risk of departure date falsification would be much greater with the small transportation carriers taking firearms directly from the manufacturing facilities within a foreign country than with shipping lines and air carriers that do business internationally.
- Even if the companies at issue are not state owned or sponsored, as in the PRC, making credibility determinations on these foreign documents could easily offend foreign governments.
- Accordingly, the proposed amendment as currently drafted would present difficulties in administration, and could potentially create a large loophole that could seriously weaken the ban.

04/29/98 WED 23:35 FAX
AFK-28-98 09:48 FROM:OMB LA

ID:



THE DIRECTOR

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

April 29, 1998

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

Dear Mr. Chairman:

On February 2, 1998, the President requested critical funding for the International Monetary Fund and for overdue payments to the United Nations that are in the best interest of our national security and our economy. On March 3, 1998, the President requested emergency funding for our troops in Bosnia and Southwest Asia and to ensure the readiness of our military forces worldwide. On March 3 and March 24, 1998, in response to natural disasters in many States, he requested emergency funding to provide assistance to the victims of those disasters.

As the conferees continue to meet in an effort to complete action on H.R. 3579, Emergency Supplemental Appropriations, FY 1998, I want to stress the importance of producing a clean bill that the President can sign. Regrettably, it is our understanding that, rather than narrowing our differences over the President's requests, the conferees are considering adding a number of provisions that are objectionable and extraneous.

It would be disappointing and disturbing if our ability to provide assistance to disaster victims, to support readiness and our troops in Bosnia and Southwest Asia, and to meet our international responsibilities, were held hostage to partisan politics in the Congress. It is our understanding that the conferees are not approving in this legislation two of these critical requests and are considering several objectionable and extraneous provisions.

It is imperative that the conferees approve requested funding for the International Monetary Fund and United Nations arrearage payments. The Senate approved the IMF funding by a vote of 84-16. The conferees are strongly urged to approve the IMF funding with workable terms and conditions. Delay could leave us unable to protect American workers, farmers and businesses in the event of an escalation or spread of the Asian financial crisis or a new crisis. The conferees are also strongly urged to approve UN funding, without linkage to international family planning issues, so that we do not jeopardize our chance to affect negotiations, starting in May, on lowering U.S. dues. Inaction would undermine U.S. leadership in the international community.

04/29/98 WED 23:38 FAX
AFR-25-98 09:18 FROM:OMB LA

ID:

In addition, the Administration strongly urges the conferees to reject objectionable and extraneous issues such as:

- o a provision that could allow as many as 600,000 modified Uzis, AK-47s and other assault-type rifles to be imported into the country;
- o excessive student interest rate bank subsidies that could result in reductions in the discretionary funding levels agreed to in the in the bipartisan budget agreement. Offsets from the Defense Stockpile would violate the bipartisan budget agreement and take funds that would be used to support readiness;
- o an effort to break up the Agriculture Research Conference Report by approving crop insurance reform and the Food Stamp administrative offset, with no funding for Food Stamps benefits for vulnerable legal immigrants;
- o several environmental riders (a provision to build a highway through the Petroglyph National Monument, a provision concerning new road construction in our national forests and a new provision that would promote development along the Florida coastal barrier);
- o a provision requiring prior congressional authorization before offensive operations against Iraq can be conducted. While the Administration recognizes that this is an area of congressional concern and will consult with Congress if further military action becomes necessary, such a provision would seriously undermine the President's ability to carry out his responsibility as Commander-in-Chief and to conduct U.S. foreign relations effectively;
- o unnecessary reductions to assisted housing programs in order to pay for emergency disaster assistance; and
- o other extraneous issues that may be considered out of the scope of the conference.

If this wide range of extraneous issues is included in the bill, while not funding IMF and UN, the President's senior advisers would recommend that he immediately return the bill to the Congress without his approval. I urge the conferees to produce a bill that the President can sign.

Sincerely,



Franklin D. Raines
Director

Identical Letter Sent to The Honorable Bob Livingston, The Honorable David Obey,
The Honorable Ted Stevens, and The Honorable Robert C. Byrd

Revised Final 04/06/98 10:00am

PRESIDENT WILLIAM J. CLINTON
REMARKS ON THE ASSAULT WEAPONS BAN
THE ROSE GARDEN

April 6, 1998

Acknowledgments: VPOTUS; AG Reno; Sec. Rubin

Today I want to talk about the progress we've made in our country's fight against crime and this important step we're taking to build on that progress. Five years ago, we dedicated ourselves as an administration to recovering our nation's streets from crime and violence, to providing security for America's families. It required a new determination by communities and government. It also took a new philosophy of law enforcement, based not on tough talk but on tough action. A philosophy based, simply, on what works: community policing, strong anti-gang efforts, targeted deterrence, and smarter, tougher penalties.

What works best is a comprehensive strategy that includes all these elements and puts community policing at its core. We're not only well on our way to putting 100,000 new police officers on the streets--we're ahead of schedule. And, as the Vice President just told us, crime rates are dropping all across our country, dropping to a 25-year low. Violent crime is down. Property crime is down. Murder is down dramatically. From the Crime Bill to the Brady Bill, from the assault weapons ban to the Violence Against Women Act, our strategy is showing remarkable results. Americans should take pride and comfort in our progress.

But statistics can only tell part of the story.

The real measure of our progress is whether responsibility and respect for the law are on the rise. The real test of our resolve is whether parents can unlock their front doors with confidence and let their children play in front yards without fear. And the fact remains: there are too many children in harm's way; too many families behind locked doors; and too many guns in the hands of too many criminals.

No statistics can measure the pain, or the brave resilience, of families shattered by gun violence. Some of them are here with us today--people like Dan Gross, Tawanna Matthews, Brian Miller, and Byrl [BERLE] Phillips-Taylor.

Byrl's 17-year old son was killed with an AK 47.

Tragedies like theirs are a brutal reminder of the task before us. They are a challenge and a call to action--one we as a nation must not ignore.

If we are to move forward, if we are to build a safer and stronger America, then all of us--police and parents, communities and public officials--must work together.

We must remain vigilant. That is why, last November, I asked the Treasury Department to conduct the thorough review Secretary Rubin has just presented. And that is why our administration has concluded that the import of assault weapons that use large-capacity military magazines should be banned.

Because, as everyone knows, you don't need an Uzi to go deer hunting. You don't need an AK 47 to go skeet shooting. These are military weapons, weapons of war. They were never meant for a day in the country. And they are certainly not meant for a night on the streets. Today we are making sure they stay off our streets.

Two successive administrations--Democratic and Republican--have acted on this principle. President Bush, in 1989, banned the import of 43 semi-automatic assault rifles. In 1994, this administration banned the domestic manufacture of assault weapons.

And in Congress, Senator Dianne Feinstein and the late Congressman Walter Capps led the fight against foreign gun manufacturers who evade the law. But as long as those manufacturers make minor, cosmetic modifications to weapons of war, then our work is not done, and we must act--swiftly and strongly.

Of course, it is our sworn duty to uphold the law. But it is also our moral obligation. It is our obligation to the children and families and law-abiding citizens of our country--an obligation to stop the terrible scourge of gun violence. As parents, we teach our children every day to distinguish right from wrong. As a nation, too, we must remember where to draw that line.

Today we are drawing it clearly and indelibly. If we do this, if we follow the recommendations set forth in this report, then we will chart the right course for America-- toward a future free of fear and a new century brimming with confidence and great promise.

**Treasury Department Determination on
Importation of Modified Semiautomatic Assault Rifles**

Q. What action did the Secretary of the Treasury take?

A. Secretary Rubin announced after an extensive review that *certain modified semiautomatic assault rifles with the ability to accept large capacity military magazines* ("LCMM rifles") do not meet the legal standard for importation into the United States -- they do not meet the "sporting purposes test."

Q. What is the sporting purposes test?

A. Weapons generally are not importable into the United States. However, there is an exception for weapons which the Secretary determines are of a type that is "generally recognized as particularly suitable for or readily adaptable to sporting purposes." (This is one of four exceptions: sporting purposes; curios and relics; scientific research; your own weapon.)

Q. What weapons are covered by the Secretary's decision?

A. The weapons covered are modified semiautomatic assault rifles whose original configuration failed to meet the sporting purposes test in 1989, but were later found importable when certain military features were removed. These rifles have the ability to accept large capacity military magazines, and are all based on one of the following *military assault rifle designs*: AK47, FN-FAL, HK91 and 93, SIG SG550, and Uzi.

Q. What is a large capacity military magazine (LCMM)?

A. For the purposes of this study, the term refers to a magazine that has the ability to accept more than 10 rounds of ammunition and that was originally designed and produced for an AK47, FN-FAL, HK91 or 93, SIG SG550, or Uzi military assault weapon.

Q. How many rifles are covered by the Secretary's decision?

A. The Secretary's decision covers approximately 59 different models of rifles. Presently there are *applications to import approximately 1 million* of the affected rifles and *outstanding permits for nearly 600,000* of the rifles. We cannot tell how many of these rifles actually will be kept out of the United States because the Bureau of Alcohol, Tobacco and Firearms will not take final action on individual applications and permits involving these rifles until affected importers have had the *opportunity to respond and present additional information and arguments*.

Q. Why did the Secretary decide to bar these rifles from importation?

A. The Treasury Department's study found that the *ability to accept a large capacity military magazine was a military/combat feature*, not a sporting feature and that rifles with this ability are not generally recognized as particularly suitable for or readily adaptable to sporting purposes.

Q. Are you saying that no one uses these rifles for sporting purposes?

A. No. The fact that a rifle is used for a sporting purpose does not necessarily mean that it is *generally recognized as particularly suitable* for hunting or organized competitive target shooting.

Q. Will keeping these weapons out reduce crime?

A. As a part of Treasury's study, we looked at cases and trace request data, which indicated that these rifles are attractive to criminals. While it is impossible to predict crime rates, keeping these rifles out of the country will *reduce access to rifles that have the ability to expend large amounts of ammunition quickly without manually reloading.*

1.5 million rifles have a potential impact on the market for LCMM rifles. Since 1995, approximately 107,500 have been imported. At a minimum, keeping 1.5 million LCMM rifles out of the United States could keep prices for this type of weapon from dropping.

Q. How many of these rifles have already entered the United States since 1989?

A. Since 1991, approximately 425,000 of these rifles have been imported into the United States.

Q. These weapons were being imported as of 1991. Why didn't you act before?

A. The 1994 ban on semiautomatic assault weapons and large capacity ammunition feeding devices affected our evaluation of these rifles. This ban sent a strong signal that firearms with the ability to expel large amounts of ammunition quickly are not sporting. Moreover, the 1994 embargo on the importation of firearms from China drastically reduced the importation of these rifles into the United States. Only recently did these rifles again begin to come into the country in significant numbers.

Q. Are semiautomatic rifles that have the ability to accept large capacity military magazines produced in the United States?

A. Yes. For example, the Ruger Mini 14, the M1A, and several models based on the Colt AR-15. (Production of Colt AR-15 units was 29,000 in 1996.)

Q. Does this mean there is a different standard for domestic production of semiautomatic rifles that have the ability to accept large capacity military magazines?

A. The sporting purposes test set forth in the law only applies to the importation of firearms. Therefore, the Secretary does not have authority to stop the domestic production of weapons that do not meet the sporting purposes test.

Q. What is the difference between what the Treasury Department concluded in 1989 and what the Secretary decided today?

A. In 1989, after the shooting of five schoolchildren at Stockton, California by a gunman with a semiautomatic copy of an AK47, ATF banned the importation of certain semiautomatic assault rifles containing *military features* such as folding stocks, bayonet lugs, and grenade launchers.

The rifles which are the subject of the present study did not exist in 1989. Therefore the 1989 study and the present study involved different rifles.

Although the present study affirms the basic findings of the 1989 study that military-style semiautomatic rifles are not importable, it goes further to hold that *the ability to accept a large capacity military magazine should be added to the list of disqualifying military features* identified in the 1989 report.

Q. Why wasn't the ability to accept a large capacity military magazine found to be a disqualifying feature in 1989?

A. It wasn't until 1994 that Congress decided that large capacity magazines represented a crime threat. The 1994 Crime Act banned the manufacturing, possession, and transfer of large capacity ammunition feeding devices -- magazines holding more than 10 rounds.

Q. What was the impact of the 1994 Assault Weapons Ban on the Treasury's decision?

A. Both the 1994 law and its legislative history demonstrate that Congress recognized that ammunition capacity is a factor in determining whether a firearm is a sporting firearm. For example, large capacity ammunition feeding devices (magazines with more than 10 rounds) were banned, and rifles and shotguns with small ammunition capacities were exempted from the assault weapons ban. The House Report specifically states that the ability to accept a large capacity magazine "serve[d] specific, combat-functional ends."

Q. Was one of these rifles used in the Jonesboro shooting?

A. No. It appears that all the firearms used in the shooting were domestically manufactured.

Q. Were rifles that accept large capacity magazines used in the Jonesboro shooting?

A. This is an open criminal investigation and I therefore cannot comment.

Q. Were large capacity magazines used in the Jonesboro shooting?

A. This is an open criminal investigation and I therefore cannot comment.

Q. Will this decision affect the importation of M1 Carbines?

A. Generally, M1 Carbines are not importable due to State Department controls on the importation of surplus U.S. military firearms. They are "curio and relic" firearms under the Gun Control Act, and the sporting purposes test does not apply to them. Some would like to see more M1 Carbines imported into this country. The Administration strongly opposes these efforts.

Q. Does this decision cover SKS rifles?

A. No. These rifles do not accept large capacity military magazines. (An SKS is not based on a machine gun design and was primarily designed for a fixed 10 round magazine.)

Q. Does this decision cover the importation of all semiautomatic rifles that can accept large capacity magazines?

A. No. The decision only applies to *the specific rifles that were the subject of the Study* that have the ability to accept large capacity *military* magazines. ATF will continue to make decisions regarding the importability of other firearms on a case by case basis. Generally, traditional sporting rifles that are imported were not designed to accept large capacity military magazines.

Q. Have you determined that any of the firearms you studied are importable?

A. Yes. One of the firearms we studied, the VEPR caliber .308 - an AK47 variant - does not have the ability to accept a large capacity military magazine. Therefore it is not an LCMM rifle and is importable into the United States.

Q. How many VEPRs are involved?

A. At this time, there are permits allowing importation of 25,000 .308 caliber VEPRs. One importer has two permits covering 20,000 .308 caliber VEPRs, and 500 of these are now held in a bonded warehouse. Another importer has a permit covering 5,000 .308 caliber VEPRs, none of which have been imported.

Q. Are there changes that can be made to the LCMM rifles to make them importable?

A. They would have to be redesigned to no longer accept large capacity military magazines. However, a redesigned firearm that can accept a large capacity military magazine with only minor adjustments would still be considered an LCMM rifle and would not be importable.

TOTAL P.06

Q. How can a person know if a firearm that they wish to import meets the "sporting purposes test?"

A. A person may file an application to "conditionally" import a firearm into the United States and ATF will examine the firearm to determine whether it is importable.

Q. Wasn't this a political decision determined from day one, and the Study is meaningless?

A. Absolutely not. The Treasury Study was a thorough and honest look at all aspects of the issue as it has developed since 1989. The Study contains summaries of the actual information collected so that everyone can evaluate the information for themselves.

Q. Won't this permit guns that look and operate just like these to come into the country?

A. Yes, however they will not accept large capacity military magazines from which you can expel large amounts of ammunition quickly without manually reloading. This is a step forward.

Q. Isn't it true that even if large capacity magazines are banned it only takes seconds to re-load a fresh 10 round magazine?

A. Congress has recognized that large capacity military magazines are different and more threatening. We agree.