

H.R. 2620 Would Make Assault Weapons, Armor-Piercing Ammunition, and Ultra-Concealable Handguns More Available to Gun Traffickers and Other Criminals

H.R. 2620 contains many dangerous provisions that would only make it easier for criminals, gun traffickers, and terrorists to obtain their weapons of choice. It is critically important to maintain the ability of the United States to exclude from importation guns that have no sporting purpose and as a result have particular appeal to those that want to harm our nation and its citizens.

H.R. 2620 would eliminate the discretion currently granted federal authorities to control the types of firearms that can be imported into the United States

Since 1968, federal law has limited the types of firearms that can be imported to those with “sporting purposes.” Certain firearms, such as ultra-concealable handguns and assault rifles, have been found not to meet the “sporting purposes” test and have been excluded from importation to reduce their use in crime.

Current law establishes certain standards and prerequisites for imported handguns including minimum size and weight requirements. Imported handguns must be evaluated under a set of “factoring criteria” that take into account each handgun’s configuration, design, and safety features.¹

These import restrictions target small, concealable, crime-prone handguns. Elimination of the “sporting purposes” test would result in a flood of foreign-made concealable handguns onto America’s streets as foreign manufacturers would be eager to exploit our nation’s weak gun laws.

In 1989, the George H.W. Bush administration applied the “sporting purposes” provision to prevent the import of the assault rifles favored by U.S. drug trafficking organizations. A primary proponent of the 1989 import ban was then-Drug Czar William Bennett. In 1998, the Clinton administration reviewed and strengthened the restrictions contained in the ban as part of a comprehensive anti-crime strategy.

The legislative history of the “sporting purposes” test clearly indicates that Congress intended the current importation standard to exclude military-type weapons from coming into the country. According to the Senate report, the “sporting purposes” standard was intended to “curb the flow of surplus military weapons and other firearms being brought into the United States which are not particularly suitable for target shooting or hunting.” The Senate report explains that “[t]he importation of certain foreignmade and military surplus nonsporting firearms has an important bearing on the [crime] problem which this title is designed to alleviate. Thus, the import provisions of this title seem entirely justified.”

¹ The factoring criteria for imported handguns, ATF Form 4590, can be found here: <https://www.atf.gov/firearms/docs/form/atf-form-4590-factoring-criteria-weapons/download>.

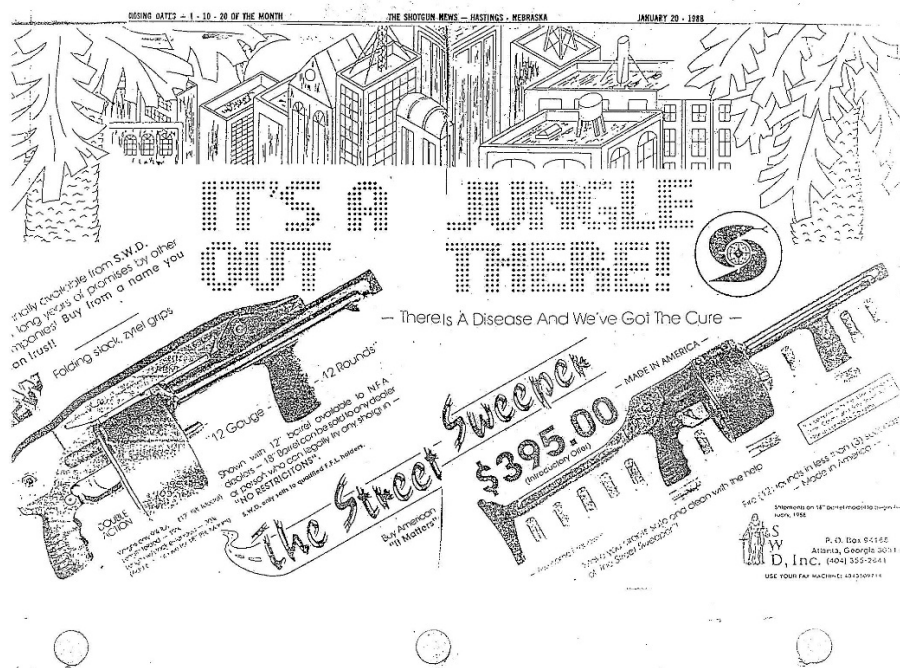
Today, the ban on imported assault rifles is not being fully enforced by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and as a result, foreign-made military-style rifles are readily available for sale in the United States. These guns are particularly popular with cross-border gun traffickers who supply weapons to international criminal organizations in Mexico and other Latin American countries.^a Foreign-made assault rifles have also been used in mass shootings and attacks on law enforcement. These include an imported AK-74 assault rifle that was used in a 2016 assault on law enforcement in Dallas, Texas that left five officers dead.^b



WASR foreign-made AK-type assault rifle

H.R. 2620 would eliminate the ability of federal authorities to designate as “destructive devices” certain particularly lethal firearms and ammunition

In 1994, a series of particularly lethal shotguns — including the Street Sweeper, which uses a cylindrical ammunition magazine holding up to 12 shotgun shells that can be fired in less than three seconds — were reclassified as “destructive devices” thereby subjecting them to regulation under the National Firearms Act (NFA). The shotguns were found to be associated with crime and were even marketed in a way to appeal directly to criminals.



Advertisement for the Street Sweeper shotgun, Shotgun News, 1988

H.R. 2620 would limit the ability of federal authorities to regulate the importation and manufacture of armor-piercing ammunition and would weaken the existing ban on armor-piercing ammunition

Federal law bans the manufacture of certain armor-piercing handgun ammunition. In 2015, ATF proposed treating certain types of 5.56 x 45mm ammunition as banned armor-piercing handgun ammunition because gun manufacturers had introduced a new type of assault pistol based on the design of the AR-15 assault rifle. In the proposal, ATF explained:

Specifically, 5.56mm projectiles loaded in to the SS109 and M855 cartridges are commonly used in both ‘AR-type’ rifles and ‘AR-type’ handguns. The AR platform is the semi-automatic version of the M16 machinegun originally designed for and used by the military. The AR-based handguns and rifles utilize the same magazines and share identical receivers. These AR-type handguns were not commercially available when the armor piercing ammunition exemption was granted in 1986.

These new pistols present an extreme danger to the safety of law enforcement and the general public as they combine the firepower of a rifle with the concealability of a pistol.^c Yet, the gun lobby was able to derail the proposal by creating confusion regarding ATF’s motivation and goal. But it simply makes no sense to eliminate the government’s ability to respond to emerging threats that may be posed to public and officer safety by new types of armor-piercing ammunition.

The bill would also significantly weaken the current ban on armor-piercing handgun ammunition by creating an exemption for ammunition intended by manufacturers to be used for “hunting, recreational, or competitive shooting,” a broad definition that could exclude virtually all handgun ammunition.

PISTOLS

CARBON 15 PISTOLS
For Durability, Reliability and Outstanding Control, There are No Rivals

Carbon 15 Type 21S
00720

Carbon 15 (9mm) Pistol Type 21S
00740

Carbon 15 Type 07S
00720

FEATURES

- Receivers and other parts are molded of durable, carbon fiber composite
- Stainless steel match grade barrel includes an A2 birdcage flash suppressor
- Bolt carrier is black oxide finished; other critical steel parts are manganese phosphate finished for superior corrosion and rust protection
- Picatinny optics rail with integral dual aperture rear sight and an A2-type square post front sight

MODEL #	CALIBER	MAGAZINE CAPACITY	TOTAL LENGTH	BARREL LENGTH	MAGAZINE	WEIGHT
00720	5.56 NATO (SS109)	10	19.5"	14.5"	10	6.5 lbs
00740	9mm NATO (07S)	10	19.5"	14.5"	10	6.5 lbs
00720	5.56 NATO (SS109)	10	19.5"	14.5"	10	6.5 lbs

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Example of an AR-type pistol

H.R. 2620 would expand the circumstances under which firearms could be lawfully transferred interstate

The bill would eliminate the requirement that certain interstate transfers involving loans and rentals be related to a sporting purpose. This weakening of current law would only make it easier for interstate gun traffickers to transport firearms across state lines and make it more difficult for individual states to enforce their gun laws.

Conclusion

There is simply no justification for eliminating the government's ability to respond to emerging threats to public safety. The provisions that H.R. 2620 would jettison or weaken have provided the basis for previous administrations to take action to protect the public and make it more difficult for criminals and drug and gun traffickers to obtain their weapons of choice.

For more information, please contact Violence Policy Center Legislative Director Kristen Rand at 202-822-8200 x102 or krand@vpc.org.

^a For more information on the impact of US-sourced foreign-made assault weapons on gun trafficking to Mexico, see: *Gun Running Nation: How Foreign-Made Assault Weapons are Trafficked from the United States to Mexico and What to Do About It* (http://www.vpc.org/studies/Gun_Running_Nation.pdf), a joint report of the Violence Policy Center and the Washington Office on Latin America, July 2015.

^b For more information on the assault rifle used in the July 2016 attack on Dallas law enforcement officers, see: *Understanding the Saiga AK-74 Assault Rifle Used in the Dallas Police Shooting* (<http://www.vpc.org/studies/Saigabackgrounder.pdf>), Violence Policy Center, July 2016.

^c For more information on the emergence of AR and AK-type assault pistols, see: *AR-15 and AK-47 Assault Pistols: Rifle Power in a Handgun* (<http://www.vpc.org/studies/armor.pdf>), Violence Policy Center, March 2015.