

**SUBJECT:** Legislative authority to transfer excess M1911A1 pistols to the Civilian Marksmanship Program (CMP).

**Purpose:** To communicate Army concerns about expanding the scope of transfers to the CMP. During Committee Markup of the FY16 NDAA, the HASC adopted an amendment allowing the U.S. Army to transfer excess .45 caliber M1911A1 pistols to CMP.

**Concerns:** The Army and DOJ have concerns with this amendment and believe additional study is necessary. Specifically, the Army is concerned about loss of accountability of weapons after transfer to CMP; expanding the scope of CMP's mission to include handguns; and the potential negative impacts on public safety from the large amount of semi-automatic and concealable pistols that will be released for public purchase.

Although CMP's original charter, and current mission statement, include both rifle practice and firearm safety, historically the program has only been provided rifles and associated spare parts and ammunition. If Congress intended for CMP's firearm safety mission to include handguns or believed CMP should have the authority to resale handguns to generate revenue to support other programs, it would have required the Army to transfer the surplus M1911A1 inventory to CMP in 1996 when the program originally moved from the Army to the Corporation. (see 36 U.S.C. section 40728(a))

DOJ has informally conveyed to the Army that it opposes the amendment and, in reviewing a similar previous legislative proposal, has expressed the following three concerns: public safety, traceability, and applicability of the Gun Control Act of 1968.

- **Public Safety** – Although the provision does communicate that CMP cannot sell the firearms to prohibited persons, the provision does not include a mechanism to verify and confirm the information obtained through private, internet or mail-order sales. There is no statutory requirement or record keeping obligation for CMP.
- **Traceability** – There is a significant risk of approximately 100K semi-automatic handguns that are virtually untraceable, being released into commerce. Per DOJ, M1911 pistols are popular crime guns. Over the last 10 years, they traced an average of 1,768 M1911 pistols with a significant percentage (percentage not provided) ultimately identified as surplus U.S. military firearms. DOJ believes it would be a challenge to trace these firearms if used in a crime because there will likely be no record of origin and the seller (CMP) is not a licensee and accordingly is not bound to keep records memorializing the transaction (both of which are factors they also believe contribute to diminished public safety).
- **Applicability of the Gun Control Act of 1968 (GCA)** – CMP (not a licensee) is currently authorized to acquire and sell, without GCA interstate controls, .22 caliber rimfire and .30 caliber surplus rifles, air rifles, associated ammunition, repair parts and other accouterments. The proposed legislation would allow them to acquire at least 100K M1911A1 semi-automatic pistols from DOD, and sell to the public. (The GCA regulates interstate commerce of firearms by generally prohibiting interstate firearms transfers except among licensed manufacturers, dealers and importers.)

### Legislative History

- National Defense Authorization Act for Fiscal Year 1996 (PL 104-106, Section 1601): *“There is established a private, nonprofit corporation to be known as the Corporation for the Promotion of Rifle Practice and Firearms Safety. The Secretary of the Army shall, in accordance with subSection (b), transfer to the Corporation all firearms and ammunition that on the day before the date of the enactment of this Act are under the control of the Director of the Civilian Marksmanship Program, including:*
  - *all firearms on loan to affiliated clubs and State associations;*
  - *all firearms in the possession of the Civilian Marksmanship Support Detachment; and*

- *all M-1 Garand and caliber .22 rimfire rifles stored at Anniston Army Depot, Anniston, AL.*

*The Secretary of the Army shall reserve for the Corporation the following:*

- *All firearms referred to in Section 1615(a).*
  - *Ammunition for such firearms.*
  - *All M-16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.*
  - *Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles”.*
- John Warner National Defense Authorization Act for Fiscal Year 2007 (PL 109-364, Section 354)  
*“The Secretary of the Army may recover from any country to which rifles, ammunition, repair parts, or other supplies described...furnished on a grant basis under the conditions imposed by Section 505 of The Foreign Assistance Act of 1961...” Any rifles, ammunition, repair parts, or supplies recovered...shall be available for transfer to the corporation....”*
  - Department of Defense Appropriations Act, 2010 (PL 111-118, Title VIII, Section 8019)  
*“None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use”.*
  - HASC Amendment: During HASC markup the Committee adopted an amendment allowing the U.S. Army to transfer excess .45 caliber M1911A1 pistols to CMP.

### **Civilian Marksmanship Program (CMP)**

The CMP is a national organization dedicated to training and educating U. S. citizens in responsible uses of firearms and air guns through gun safety training, marksmanship training, and competitions. The CMP is a federally chartered 501(c) (3) corporation that maintains two headquarters: CMP North at Camp Perry near Port Clinton, Ohio, and CMP South in Anniston, Alabama. In accordance with U.S. Army General Order 2012-01, the Administrative Assistant to the Secretary of the Army serves as the Army’s liaison to the CMP.

### **CMP History**

In 1903 President Theodore Roosevelt and Congress established the National Matches and the National Board for the Promotion of Rifle Practice to support the idea that marksmanship skills developed through regular practice and competition would contribute to the nation’s defense. When the program expanded to make its competitions and military support available to civilians, it became commonly known as the “Civilian Marksmanship Program”. As the U.S. Army’s interest in marksmanship diminished after World War II, CMP increased its focus on fostering youth development through marksmanship. For over 90 years the Army and Department of Defense administered the program until Congress created the Corporation for the Promotion of Rifle Practice and Firearm Safety, Inc. in 1996.

### **References**

- 36 U.S.C. 407, Corporation for the Promotion of Rifle Practice and Firearms Safety
- National Defense Authorization Act for FY 1996 (PL 104-106, Title XVI, Section 1601)
- John Warner National Defense Authorization Act for FY 2007 (PL 109-364, Title III, Section 354)
- DOD Appropriations Act, 2010 (PL 111-118, Title VIII, Section 8019)
- U.S. Army General Order 2012-01
- FY14 legislative proposal regarding M1911 pistols (Army sponsored)
- FY16 legislative proposal regarding M1911 pistols (REP Mike Rogers sponsored)