

BRIEFING DOCUMENT

We are here today to brief the Members on the results of our review of the availability of .50 caliber semiautomatic rifles and the ability to acquire certain types of ammunition used in such rifles. We also will discuss our limited review of instances in which these weapons were associated with criminal activity.

As you can see from the exhibit, the .50 caliber semiautomatic rifle is quite a weapon. While there are bolt-action varieties of the .50 caliber rifle, the model exhibited is the only semiautomatic version produced in volume. It is known as the Barrett M82A1, or the "Light Fifty." The weapon is designed so that it has a short recoil. It is magazine-fed and air-cooled. The weapon weighs approximately 28.5 pounds, is 57 inches long, and has a magazine capacity of 10 rounds. It is normally equipped with a bipod and a sniper's scope. The weapon is accurate to 2,000 yards and is effective up to 7,500 yards. It was developed in the early 1980s as an alternative weapon for the .50 caliber M2 machine gun.

The accuracy and power of the .50 caliber semiautomatic rifle earned it a prominent place in recent Persian Gulf combat. The Light Fifty was used in Kuwait and Iraq by the U.S. Marine Corps, the U.S. Army, U.S. Navy SEALs, and other U.S. military units and coalition forces. The weapon was primarily used to engage personnel, bunkers, vehicles, aircraft, and other military targets at long range. Also, some U.S. law enforcement agencies and numerous foreign military units presently use the weapon.

Interestingly, the weapon is also used in explosive ordnance disposal. For safety reasons, ordnance disposal personnel generally prefer to dispose of battlefield munitions, such as land mines, grenades, and unexploded bombs and shells without actually exploding them. The round used by the .50 caliber semiautomatic rifle, fired from a safe distance, has a much higher rate of destruction without detonation than other types of available ammunition.

Depending on the role the .50 caliber rifle is expected to play, it can be fitted with specialized equipment. For example, the weapon can accommodate a wide range of night vision devices, including one device that can be used with the weapon's standard optics.

Although the .50 caliber rifle is known for its valuable military and law enforcement capabilities, at the present time there is no federal prohibition against civilian ownership of such a weapon. A new .50 caliber semiautomatic weapon can only be purchased from a dealer with a Federal Firearms License (FFL).¹ However, previously owned .50 caliber semiautomatic rifles can be purchased from private individuals. Many advertisements for such weapons are available on the Internet or in gun-type publications.

We contacted the Fifty Caliber Shooter's Association, an international sporting group of about 1,700 based in Riverside, California. The primary sporting use of .50 caliber rifles is long-range target shooting. According to an association representative, most competition involves bolt-action rifles, but semiautomatics are also fired for sport. The .50 caliber rifle is generally not used for hunting.

We identified three domestic manufacturers of .50 caliber semiautomatic rifles: Barrett Firearms in Murfreesboro, Tennessee; Pauza Specialties, Inc. (which has been out of business since 1998) in Baytown, Texas; and Knight's Armament Company in Vero Beach, Florida. A fourth manufacturer, Harris Gunworks in Phoenix, Arizona, claims to produce .50 caliber semiautomatic rifles "made to order," but we have not yet independently confirmed this claim.

According to literature and material available on the Internet, Barrett Firearms only manufactured .50 caliber bolt-action or semiautomatic rifles up to 1998. The company introduced a model .338 semiautomatic rifle that year. Bureau of Alcohol, Tobacco and Firearms (ATF) records² show that between 1987 and 1998, Barrett Firearms manufactured and sold 2,839 rifles in the civilian market, excluding rifles sold to U.S. government agencies. However, because representatives of Barrett Firearms denied us information, we do not know how many of those were semiautomatic rifles.

¹ 27 C.F.R. pt. 178.47 discusses the Bureau of Alcohol, Tobacco, and Firearms (ATF) procedures and requirements for issuing FFLs to persons intending to engage in business as manufacturers and importers of firearms and ammunition or as firearm dealers or collectors. ATF does not issue licenses to persons who do not fall into one of these categories.

² Pursuant to 27 C.F.R. § 178.126, ATF requires licensed firearms manufacturers to submit an "Annual Firearms Manufacturing and Exportation Report."

Pauza Specialties is no longer in business. Its rifle was developed as a competitor to the Barrett model .50 caliber rifle and it appears that the company manufactured only 36 .50 caliber semiautomatic rifles between 1991 and 1997. To date, we have been unsuccessful in locating, for interview, Robert Pauza, the company's owner.

Knight's Armament currently manufactures many types of firearms, including a .50 caliber semiautomatic rifle identified as model Stoner SR50. Only 153 of this model—described as the "Cadillac" of such weapons—will be manufactured. Delivery is anticipated for August 1999. This company competes with Barrett in manufacturing .50 caliber semiautomatics.

Although there are no federal restrictions on the ownership or use of the .50 caliber semiautomatic rifle, some state and local governments have passed laws governing the sale of these weapons. Maryland, for example, has listed the Barrett model .50 caliber rifle as an assault weapon in the Annotated Code of Maryland (MD. ANN. CODE) art. 27 section 441(d)(9). Maryland requires prospective purchasers to fill out an application, subjects them to a 7-day waiting period, and requires the Maryland State Police to conduct a background investigation to determine whether the statements made in the application are true. (MD. ANN. CODE art. 27, section 442)

We visited a number of FFL gun dealers in Delaware, Maryland, Pennsylvania, West Virginia, and Virginia, and one of our investigators purported to be a resident of Virginia seeking to purchase a new .50 caliber semiautomatic rifle. Except for the Maryland dealer, the other dealers would have sold a .50 caliber rifle to the investigator upon presenting his Virginia driver's license and a second form of identification. The identification would have enabled the dealers to conduct the instant record check that is mandated by federal law.³ Only the Maryland dealer was concerned that the "customer" resided in Virginia and said he would not sell a .50 caliber rifle to the investigator. Of the four states, only Maryland has some restrictions on the sale of .50 caliber

³ 18 U.S.C. § 922(t) (1994).

semiautomatic rifles to out-of-state residents.⁴ The price quoted by the dealers for the purchase of the weapon ranged from \$6,200 to \$6,800.

All the gun dealers, except the one in Delaware, expressed the opinion that the federal government may place restrictions on the .50 caliber semiautomatic rifle. For example, a Maryland gun dealer stated, "You'd better buy one soon. It's only a matter of time before someone lets a round go on a range that travels so far it hits a school bus full of kids. The government will definitely ban .50 calibers. The gun is just too powerful."

You also expressed an interest in the availability of the ammunition used in .50 caliber semiautomatic rifles, specifically armor-piercing and armor-piercing incendiary ammunition. Armor-piercing ammunition is designed for use against armored targets and armor-piercing incendiary ammunition is designed for use against armored targets that contain a flammable liquid, such as gas or aviation fuel.

During our visits to gun dealers in the five nearby states, we asked them about the availability of armor-piercing and armor-piercing incendiary ammunition used in semiautomatic rifles. The dealers in Delaware, Pennsylvania, and West Virginia responded that such ammunition is available for purchase as military surplus ammunition⁵ without restriction. However, the dealers would need to place a special order for such ammunition, since it is not readily available as a regular inventory item. The dealer in Maryland said that he would only sell such ammunition to Maryland residents and the Virginia dealer said that it is illegal to sell or possess such ammunition in that state.

We also telephoned ammunition dealers in Alaska, Nebraska, and Oregon. Our investigator purported to be interested in purchasing armor-piercing or armor-piercing incendiary

⁴ Maryland requires that if a corporation is buying a firearm only a corporate officer who is a resident of the state may fill out the application, and, if the purchaser is buying a firearm as a gift, then the recipient must be a resident of the state. (MD. ANN. CODE art. 27, § 442)

⁵ The term "military surplus ammunition" refers to ammunition that has been removed from service by the Department of Defense and sold in bulk to a contractor. The current Defense contractor for small arms military ammunition, including .50 caliber ammunition, is Talon Manufacturing Company in Paw Paw, West Virginia. Talon separates the round and removes the primer. It then reuses the brass casing, gun power, and projectile with a new primer. These rounds are then sold commercially as military surplus.

ammunition for a .50 caliber semiautomatic rifle capable of penetrating ballistic (bulletproof) glass, armored limousines, or aircraft. The investigator also specified that he wanted the ammunition shipped to either Virginia or Washington, D.C. Each of the dealers we contacted believed that either type of ammunition—armor-piercing or armor-piercing incendiary—would likely penetrate an armored limousine and almost certainly penetrate ballistic glass. None of the dealers questioned our need for such ammunition.

The dealers in Nebraska and Oregon told the investigator to fax a driver's license to them with the following statement: "I am over 21 years of age. There is no restriction under federal, state, or local law for me to purchase ammunition." Both dealers required payment by either credit card or check before shipment. The price per 100 rounds of armor-piercing incendiary ammunition was \$129 in Oregon and \$240 in Nebraska. The dealers told the investigator that the ammunition could be shipped by means of United Parcel Service (UPS) ground delivery to either Virginia or Washington, D.C.

We found that the dealer in Alaska operates a hotel and sells ammunition out of his home. He claimed to be able to provide all types of armor-piercing and armor-piercing incendiary ammunition, ranging from \$3 to \$15 per round for a special type of armor-piercing ammunition that would penetrate up to six inches of steel armor. He stated that he has 10,000 rounds stored and available for sale. However, he said he could not ship the ammunition because UPS ground service does not operate in Alaska and federal law prohibits shipping ammunition by air.⁶ He stated that in order to complete the transaction, someone would have to pick up the ammunition.

With regard to your expressed interest in the possible criminal misuse of .50 caliber semiautomatic rifles, ATF records show that since 1992, the agency has initiated 28 gun traces involving .50 caliber-semiautomatic rifles. All of the trace requests appear to involve the Barrett model M82A1 rifle. The fact that ATF conducts a gun trace does not necessarily mean that the gun being traced was involved in criminal activity. We have not yet completed our inquiry into all 28 traces. However, we have identified some examples of criminal misuse of the .50 caliber

⁶ Under 18 U.S.C. § 922(a)(1)(B) (1994), only licensed ammunition importers or manufacturers are permitted to ship, transport or receive any ammunition in interstate or foreign commerce.

rifle with a nexus to terrorism, outlaw motorcycle gangs, international and domestic drug trafficking, and violent crime.

In a case currently pending in San Juan, Puerto Rico, seven Cuban-Americans have been indicted in an alleged plot to assassinate Cuban President Fidel Castro with .50 caliber rifles. Pending cases in the United States involve the smuggling of .50 caliber rifles—purchased legally in the United States—to overseas locations by terrorist groups, the smuggling of these rifles into Mexico for use by drug cartels, and the possession of .50 caliber rifles by an illegal alien who was attempting to amass a stockpile of weapons.

We reviewed closed cases involving .50 caliber rifles. In one case, a joint ATF-Internal Revenue Service investigation of a survivalist/tax protester in Georgia revealed that the suspect purchased two .50 caliber rifles using a false identity. After the suspect was arrested, the investigators recovered 115 firearms, including the two .50 caliber rifles, many illegally altered machine guns, over 115,000 rounds of ammunition, and silencers. Three other cases in California, Indiana, and Missouri involved drug search warrants in which .50 caliber rifles were recovered at the scene. An apparent mentally ill person used a high-powered rifle to kill a police officer in Traverse City, Michigan. After his arrest, a search of his house revealed 15 firearms, including a .50 caliber rifle that he was able to purchase legally because he had no criminal record. Finally, a .50 caliber rifle purchased in Wyoming was recovered at the scene of the multiple homicide of Mexican drug cartel members in Sinaloa, Mexico.