

US Compliance with the OAS Convention¹¹⁵

The requirements of the OAS Convention are consistent with current features of US law and policy, in particular with respect to US efforts to combat terrorism and drug trafficking. Ratification will require no new laws in the United States.¹¹⁶ Some modest changes to regulations, which are consistent with underlying US policy, were undertaken in 1998.

The OAS Convention obligates states to establish or maintain an effective system of export, import, and international transit licenses or authorizations for firearms, ammunition, explosives, and other related materials. In addition, the Convention also calls for strengthening of export controls at border points. Some changes that were necessary for US compliance have already been made and codified in the Code of Federal Regulations as part of US implementation of the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition. For example, the Bureau of Export Administration (BXA) revised the Export Administration Regulations in 1999 to impose a new license requirement for exports to Canada and a procedure for using the Import Certificate required by the Convention.¹¹⁷ BXA also revised its policies for exporting firearms to OAS member countries.¹¹⁸

The Bureau of Alcohol, Tobacco, and Firearms (BATF) also changed some policies and procedures to implement the Model Regulations.¹¹⁹ The BATF amendments implementing the Model Regulations were modest. They require additional information to be included in the import permits (requiring the identification of a final recipient), alter the procedures for presenting export licenses to US Customs, specify the information to be included on import permit appli-

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cations, and reduce the value of component parts that can be imported without a permit.¹²⁰ Along with these minor modifications, some technical amendments were made to the regulations implementing the Arms Export Control Act. These were changes to “merely improve the clarity of the regulations, simplify regulatory requirements, or implement foreign policy as directed by the Department of State.”¹²¹

Similarly, the State Department responded to President Clinton’s 1998 directive to implement the Model Regulations by making some minor changes to the US Munitions List, the Canadian licensing exemption and the State Department’s Office of Defense Trade Controls’ (ODTC)¹²² licensing practices. These changes included expanding the defense articles and related technical data that are not exempt from licensing to include all Category I firearms and Category III ammunition for such firearms,¹²³ and reducing the value of firearms parts and component that may be exported without a license from \$500 to \$100.¹²⁴ Finally, the ODTC began requiring that all requests for firearms export licenses be accompanied by a firm order and an import authorization.¹²⁵

As evidenced by the modest nature of the changes needed to bring US policies and practices into compliance with the Model Regulations, US laws on firearms transfers are already among the best in the hemisphere. If additional changes to US policies and procedures are required to fully comply with the Convention, they are likely to be minor as well.