

Congress of the United States
House of Representatives
Washington, DC 20515

March 22, 2002

The Honorable Donald Rumsfeld
Secretary
Department of Defense
The Pentagon
Washington, D.C.

Dear Mr. Secretary:

We are writing to express our serious concerns regarding continued attempts to extend the federal government's demilitarization authority to lawfully possessed surplus military equipment. Last year, the Senate version of the FY02 National Defense Authorization bill included a Section 1062, which would have allowed government seizure of any "significant military equipment" ever owned by the Department of Defense (DoD).

Under such a broadly defined new authority, the DoD would have been able to require the seizure and demilitarization of aircraft, vehicles, radios, and firearms formerly owned by the Department. Besides raising serious property rights issues regarding fair compensation and due process in seizing private property, this provision could readily have become grounds for bureaucratic over-reach.

For obvious reasons, this provision was met with vigorous opposition from law-abiding firearms collectors, re-enactors, military parts suppliers and surplus vendors, as well as military museums and private property rights advocates. As a result, many of us heard more from our constituents on this issue than any other issue under discussion in the Defense Authorization bill.

Currently, the DoD already enjoys the authority to demilitarize its surplus military equipment before sale. Consequently, we consider it inappropriate to burden law-abiding citizens after sale with a new authority to confiscate and destroy lawfully possessed firearms, aircraft, vehicles, and other military memorabilia held by private individuals. For this reason, an overwhelming number of us in the House have opposed requests for a new demilitarization authority each year and have defeated the provision in conference. We would appreciate your assurances that this provision will not resurface this year in the Administration's proposals for the Department of Defense.

According to several General Accounting Office (GAO) reports, it seems apparent the source of the problem with surplus equipment sales originates within the Department. We appreciate that the DoD has acknowledged the erroneous classification of items, resulting in surplus sales being finalized before proper demilitarization. We are also concerned with mistakes resulting in the unlawful destruction of non-sensitive government property as an

overreaction to this problem. Many of these items are of historical value and have been destroyed as a result of the uneven application of demilitarization regulations. As Members of Congress, we seek a long-term solution to these problems and would be happy to discuss any reasonable actions we could take to assist the DoD in improving those processes or correcting errors that pose a serious threat to national security.

We appreciate your leadership in protecting our national security and thank you for your time and attention to this issue of great importance to our constituents and military history.

Boyd Hutchins

Jack Kingston

Clayton L. Williams

Arnold H. Baker

Bill Lener

Robin Hayes

Kyle Culver

Phil Crane

Cal Schwab

Lee Cantor

John Dingell

Robert A. Underwood

J. Randy Fisher

Bob Goodlatte

Don Young

Jim Oberstar

Lynn N. Rivers

Mark Kennedy



Tom Petri

Mac Call

Virgil Goode

Phil English

Paul F. Zellmer

Signature Key

1. Gary G. Miller (CA)
2. Phil Crane (IL)
3. Jack Kingston (GA)
4. Ed Schrock (VA)
5. Adam H. Putnam (FL)
6. Eric Cantor (VA)
7. Richard Baker (LA)
8. John Dingell (MI)
9. Brian Kerns (IN)
10. Robert A. Underwood (Guam)
11. Robin Hayes (NC)
12. J. Randy Forbes (VA)
13. Ken Calvert (CA)
14. Bob Goodlatte (VA)
15. Don Young (AK)
16. Tom Petri (WI)
17. Jim Oberstar (MN)
18. Mac Collins (GA)
19. Lynn N. Rivers (MI)
20. Virgil Goode (VA)
21. Mark Kennedy (MN)
22. Phil English (PA)
23. Bob Barr (GA)
24. Paul Gillmor (OH)