



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 26, 2005
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S. 397 - Protection of Lawful Commerce in Arms Act

(Sen. Craig (R) Idaho and 59 cosponsors)

The Administration strongly supports Senate passage of S. 397. The Administration urges the Senate to pass a clean bill, in order to ensure enactment of the legislation this year. Any amendment that would delay enactment of the bill beyond this year is unacceptable. The manufacturer or seller of a legal, non-defective product should not be held liable for the criminal or unlawful misuse of that product by others. The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, sets a poor precedent for other lawful industries, will cause a loss of jobs, and burdens interstate and foreign commerce. S. 397 would help curb frivolous litigation against a lawful American industry and the thousands of workers it employs and would help prevent abuse of the legal system. The bill would also safeguard our national security by preventing frivolous lawsuits against an industry that plays an important role in fulfilling our military's procurement needs. At the same time, the legislation would carefully preserve the right of individuals to have their day in court with civil liability actions. These civil actions are enumerated in the bill and respect the traditional role of the States in the Nation's Federal system with regard to such actions.

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