

The Honorable James P. McGovern
Chairman
House Committee on Rules
408 Cannon House Office Building
Washington, DC 20515

The Honorable Adam Smith
Chairman
House Committee on Armed Services
2264 Rayburn House Office Building
Washington, DC 20515

Dear Chairman McGovern and Chairman Smith,

The undersigned organizations write in support of efforts to reinstate congressional notification of firearms exports. These weapons were recently moved to the Commerce Department-led Commerce Control List (CCL) and taken off the United States Munitions List (USML) administered by the State Department by way of a Trump administration rule. One of the most serious consequences of this rule change is that Congress no longer receives notification of pending firearms exports. Restoring that notification is a critical immediate step to address some of the concerns expressed [last year](#) by more than 100 organizations representing advocates from religious, gun violence prevention, human rights, education, arms control, peace, and domestic violence prevention organizations who opposed the implementation of this new rule.

On November 21, 2019, the Trump administration gave formal notification to Congress of proposed rule changes at the State and Commerce Departments to loosen export controls on most firearms, moving these items from the USML to the CCL. In its proposal, the administration [argued](#) that the weapons and ammunition that would be moved from the USML to the CCL are “essentially commercial items widely available in retail outlets and less sensitive military items” and that the rule change was intended to remove regulatory red tape for exporters. The final rules were published and went into effect on March 9, 2020.

The items covered by this rule change are not insubstantial. In fact, appropriately two-thirds of the [69,000 commercial export license applications](#) that the State Department processed for items in Categories I, II, and III of the USML were for firearms, mostly nonautomatic and semiautomatics covered by the rule change. Those categories, which respectively cover firearms, artillery, and ammunition, accounted for [\\$7.5 billion](#) in export applications during fiscal years 2013 to 2017. According to a recent [report](#) by the Security Assistance Monitor, at least \$249 million of the \$1.98 billion in sales of weapons in these categories notified to Congress in 2019 would almost assuredly have fallen under the radar and avoided congressional and public scrutiny. A number of those sales were slated for countries with questionable human rights records.

By moving these items to CCL, the regulation removes both State Department and congressional oversight of the export licensing process and eliminates many of the protections that prevent firearms exported from the U.S. from falling into the hands of human rights abusers, terrorists, and international criminal organizations. Under the previous regulatory structure established by the Arms Export Control Act (AECA) of 1976, Congress received formal notification of proposed firearms sales authorized by

the State Department valued at \$1 million or more and had up to 15 days for NATO countries and close allies, and 30 days for all other states, to pass legislation prohibiting or modifying the sales agreement. No such notification requirements exist under the new rules.

Under the new export regime, fully automatic firearms remain under State Department purview, but semiautomatic and nonautomatic weapons are now under the Commerce Department's control. Practically, however, the difference between automatic and semiautomatic is one of degree, and small arms, automatic or otherwise, are used to fuel proxy wars, terrorist activities, population suppression, and human rights abuses around the world.

Many of the types of firearms moved to the Commerce Department's control are currently in active use by the U.S. military, and many semi-automatic firearms can also easily be converted to fully automatic weapons. As the [ATF has noted](#), "someone with access to metal milling machines and lathes and with the knowledge to use them, can readily convert AR-15 semiautomatic rifles into fully automatic weapons." Doing so in the United States is illegal under the National Firearms Act, and carries with it a \$250,000 fine and up to 10 years in prison, but outside actors are not restricted from converting AR-15s, or other semiautomatic firearms now contained in the CCL, to fully automatic firearms. Further, with automated milling machines that are affordable, widely available, and operated with a minimum of technical skill, such conversions could be handled at minimal costs.

Congress has [secured key concessions and guarantees](#) from Republican and Democratic administrations alike over the last 44 years that the arms export oversight process has been in place.

More specifically, the congressional notification process worked as a critical safeguard to prevent American-made firearms from landing in the hands of human rights abusers, criminal cartels, and terrorists around the world and the need for this vital oversight remains. Small arms are the weapons of mass destruction in countries and regions such as Congo, Burma, Mexico, and Central America. AR- and AK-type rifles and their ammunition that are impacted by this regulation are the weapons of choice for criminal organizations in Mexico and other Central American countries, contributing to the humanitarian catastrophe that drives many migrants north as guns flow south.

For national security and worldwide stability, it is imperative that Congress receives notice of large firearms export licenses and has the opportunity to disapprove or modify agreements, as it has for decades.

Amnesty International - USA
Arms Control Association
Ban Assault Weapons Now
Brady
Ceasefire Oregon
Center for Civilians in Conflict
Center for International Policy
Chester Community Coalition

Chi-Town GVP Summit
Coalition to Stop Gun Violence
Colorado Ceasefire
CommonSpirit Health
CT Against Gun Violence
Delaware Coalition Against Gun Violence
EduForum
Giffords

Global Exchange
GPEC-ICHV
Gun Violence Prevention PAC
GunsenseNH
GunsenseVT
Hoosiers Concerned About Gun Violence
Indivisible South Suburban Chicago
Jr Newtown Action Alliance
Latin America Working Group (LAWG)
March For Our Lives
Monmouth Center for World Religions and
Ethical Thought
National Council of Jewish Women
Newtown Action Alliance
#NoRA

Physicians for the Prevention of Gun Violence
San Diegans for Gun Violence Prevention
Sisters of St. Joseph of Carondelet, LA Province
Sisters United
St. Marks Episcopal Church Capitol Hill DC
States United to Prevent Gun Violence
Stop Handgun Violence
Survivors Empowered
The ENOUGH Campaign
Violence Policy Center
Vision Quilt
WAVE Educational Fund
Woman's National Democratic Club, WNDC
Women Against Gun Violence
Women's Action for New Directions (WAND)