

United States Senate

WASHINGTON, DC 20510

September 15, 2017

The Honorable Rex Tillerson
Secretary of State
U.S. Department of State
2201 C St. NW
Washington, DC 20520

Dear Secretary Tillerson:

We understand that the Department of State may soon seek to remove lethal small arms, light weapons, and associated equipment and ammunition from Categories I, II, and III of the International Trafficking in Arms Regulations, to be subject instead to the Commerce Control List (CCL) of the Department of Commerce, resulting in less rigorous oversight of related exports.

We support the Export Control Reform Initiative efforts to date. These changes have rationalized and streamlined a cumbersome and opaque U.S. Munitions List (USML) in ways that make it more useful for American exporters to understand and make non-militarily-sensitive exports easier and more competitive internationally.

However, we strongly urge that any changes made to Categories I, II, and III be undertaken with appropriate consideration to the life and death impact such changes will have, and only in consultation with Congress. As you are aware, combat firearms and ammunition are uniquely lethal; they are easily spread and easily modified, and are the primary means of injury, death, and destruction in civil and military conflicts throughout the world. As such, they should be subject to more – not less – rigorous export controls and oversight.

The Arms Export Control Act (AECA) enables congressional review of exports of lethal weapons to ensure that they comport with U.S. foreign policy goals and values. Congress took action in 2002 to ensure that the sale and export of these weapons would receive close scrutiny and oversight, including by amending the AECA to set a lower reporting threshold (from \$14 million to \$1 million) specifically for firearms on the USML. Moving such firearms from the USML to the CCL would be directly contrary to congressional intent, made clear in 2002, effectively eliminating congressional oversight of exports of these weapons.

Combat rifles, including those commonly known as “sniper rifles” should not be removed from the USML, nor should rifles of any type that are U.S. military-standard 5.56 (and especially .50 caliber). Semi-automatic firearms should also not be removed, and neither should related equipment or ammunition or associated manufacturing equipment, technology, or technical data.

Thank you for your attention to our concerns. We look forward to consulting with you on this matter.

Sincerely,


BENJAMIN L. CARDIN
United States Senator


DIANNE FEINSTEIN
United States Senator


PATRICK J. LEAHY
United States Senator