

United States Senate

WASHINGTON, DC 20510

November 16, 2023

The Honorable Gina Raimondo
Secretary
Department of Commerce
1401 Constitution Ave, NW
Washington, DC 20230

Dear Secretary Raimondo:

We write regarding the October 27 announcement¹ from the Bureau of Industry and Security (BIS) of the Department of Commerce (the Department) that “[e]ffective immediately”, the Department “is pausing for approximately 90 days the issuance of new export licenses involving certain firearms, related components, and ammunition” as well as “the provision of new export assistance activities for such products to all non-governmental end users worldwide” with the exception of “those located in Ukraine, Israel, or a country in Country Group A:1 (Wassenaar Arrangement Participating States).” Further, this announcement stated that the Department will, during this “‘pause’ period”, conduct an urgent review of “current firearm export control review policies” in light of “U.S. national security and foreign policy interests” to “enable the Department to more effectively assess and mitigate risk of firearms being diverted to entities or activities that promote regional instability, violate human rights, or fuel criminal activities.”

We recognize the crucial need for firearms for civilian self-defense in Ukraine and Israel, which are exempted from this pause, and note the actions by the Ukrainian and Israeli governments to fulfill those needs. For example, in response to the Hamas attacks, Israeli Prime Minister Benjamin Netanyahu said that part of the war against Hamas involves “encouraging civilians and helping civilians to arm themselves for their self-defence.”² The Israeli Minister of National Security, Itamar Ben-Gvir, promised to distribute 10,000 free weapons, including 4,000 rifles to settlers in the West Bank, and has relaxed rules for permits to allow 400,000 new people to

¹ Bureau of Indus. & Sec., Dep’t of Commerce, Firearms Pause & Review: Frequently Asked Questions 1, <https://www.bis.doc.gov/index.php/documents/policy-guidance/3374-2023-10-27-bis-faqs-firearms-pause-and-review/file> (Oct. 27, 2023).

² Joseph Campbell, *Aghast at Hamas killings, Israelis buy up guns with government's blessing*, REUTERS (Oct. 26, 2023), <https://www.reuters.com/world/middle-east/aghast-hamas-killings-israelis-buy-up-guns-with-governments-blessing-2023-10-26/>.

qualify to carry a firearm.³ Similarly, in response to the Russian invasion of Ukraine, Ukraine's President Volodymyr Zelenskyy announced on February 24, 2022, that the Ukrainian government “will give weapons to anyone who wants to defend the country.”⁴ By June 2022, Ukraine had distributed “tens of thousands” of firearms to civilians “for national defense”, according to Ukrainian Interior Minister Denys Monastyrsky.⁵

However, we also recognize the significance of exports that are now put on pause by the Department’s announcement. As you know, firearms exports to non-government users in countries not covered by the exception constitute a significant percentage of overall U.S. firearm exports. This pause puts at stake U.S. commercial and economic interests, as well as those business interests of firearm exporters whose pending exports are now subject to pause, in addition to U.S. national security and foreign policy interests. According to a survey conducted by NSSF, the firearm and ammunition industry trade association, this decision would have a severe negative economic impact. As of today, the industry estimates a direct cost of at least \$89 million associated with the 90 day pause and at least \$238 million annually should the pause become permanent. Furthermore, it is our understanding that the Department has never before imposed such a 90 day pause on such a wide range of firearms exports. We have significant concerns about the justifications for and ramifications of this pause. Finally, we are concerned the unmet demand created by this action will promote opportunities for less scrupulous, professional, or conscientious sources of supply to fill the void, thereby strengthening illicit arms markets.

Thus, for the purpose of congressional oversight regarding the Department’s announcement we ask that you respond to the following questions and requests by November 30, 2023:

1. Please explain the reasoning for this pause and identify the specific U.S. national security and foreign policy interests that are part of this reasoning.
2. What specific situations has the Department identified where the current export policies affected U.S. national security and foreign policy interests, and contributed to regional instability, violated human rights, or fueled criminal activities?
3. Did BIS engage with firearm and ammunition industry stakeholders prior to the October 27 announcement to understand the impact this unprecedented decision would have on their industry?
4. Did BIS engage with advocacy organizations prior to the October 27 announcement to provide advance knowledge of this announcement?
 - a. If yes, then please provide a list of these organizations.
5. Has BIS held a meeting with firearm and ammunition industry stakeholders since making the October 27 announcement?
6. Please provide data on the number of export license applications covered by the Department’s October 27 announcement for all countries (disregarding any exceptions)

³ Mehul Srivastava, *Israelis queue to buy guns in aftermath of Hamas attacks*, FINANCIAL TIMES (Oct. 22, 2023), <https://www.ft.com/content/08abac9a-5d5e-4a35-9ea8-64b0b6a5fd64>.

⁴ Volodymyr Zelenskyu/Володимир Зеленський (@ZelenskyUa), TWITTER (Feb. 24, 2022, 4:54 AM) <https://twitter.com/ZelenskyUa/status/1496785547594924032>.

⁵ Volodymyr Verbyany & Aliaksandr Kudrytski, *Ukrainians Should Own More Guns After War Ends, Law Chief Says*, BLOOMBERG (June 21, 2022), <https://finance.yahoo.com/news/ukrainians-own-more-guns-war-150032637.html>.

that were pending on October 27, and the number submitted over the previous six months.

7. Please provide data on export license applications submitted for non-governmental users in Ukraine since the Russian invasion in February 2022 that are of the same type covered by the Department's October 27 announcement.
8. Please provide data on export license applications submitted for non-governmental users in Israel since Hamas' attacks began in October 2023 that are of the same type covered by the Department's October 27 announcement.
9. Please provide data on the number of Department employees reviewing export license applications related to the October 27 announcement.
10. Please provide data on the average number of export license applications related to the October 27 announcement reviewed per day.
11. Please provide data on the average time to review export license applications related to the October 27 announcement to non-governmental users in Ukraine.
12. Please provide data on the average time to review export license applications related to the October 27 announcement to non-governmental users in Israel.
13. Are supplemental funds needed to add more Department employees to review applications so that reviews can be completed in a timely manner?
 - a. If so, what is the needed level of supplemental funding and how many additional employees should the Department add?
14. What is your estimate of potential economic loss, measured in dollars, to U.S. firearms industry as a result of this pause?
15. What is your estimate of potential economic loss, measured in job losses, to U.S. firearms industry as a result of this pause?

Sincerely,



Ted Budd
United States Senator



Mitch McConnell
United States Senator



Tim Scott
United States Senator



Bill Hagerty
United States Senator



Mike Crapo
United States Senator



Cindy Hyde-Smith
United States Senator



Joni K. Ernst
United States Senator



James Risch
United States Senator



Rick Scott
United States Senator



Jerry Moran
United States Senator



Eric Schmitt
United States Senator



Pete Ricketts
United States Senator



Chuck Grassley
United States Senator



Mike Braun
United States Senator



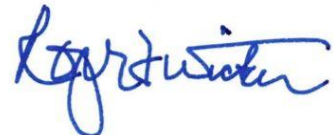
Tom Cotton
United States Senator



John Boozman
United States Senator



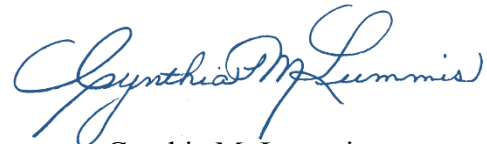
Thom Tillis
United States Senator



Roger Wicker
United States Senator



Roger Marshall, M.D.
United States Senator



Cynthia M. Lummis
United States Senator



Steve Daines
United States Senator



Marsha Blackburn
United States Senator



John Hoeven
United States Senator



JD Vance
United States Senator



Mike Rounds
United States Senator



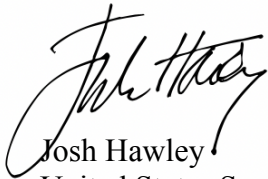
Deb Fischer
United States Senator



John Kennedy
United States Senator



John Thune
United States Senator



Josh Hawley
United States Senator



John Cornyn
United States Senator



Katie Boyd Britt
United States Senator



Markwayne Mullin
United States Senator



Kevin Cramer
United States Senator



Lindsey O. Graham
United States Senator



Mike Lee
United States Senator



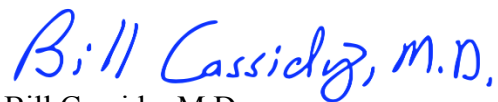
Ted Cruz
United States Senator



John Barrasso
United States Senator



Dan Sullivan
United States Senator



Bill Cassidy, M.D.
United States Senator



Marco Rubio
United States Senator



Tommy Tuberville
United States Senator



Ron Johnson
United States Senator



James Lankford
United States Senator



Rand Paul
United States Senator



Todd Young
United States Senator



Shelley Moore Capito
United States Senator