

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

November 28, 2023

The Honorable Gina Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Dear Secretary Raimondo:

We write to request information on the recent decision by U.S. Department of Commerce (Commerce) to cease issuing new export licenses related to certain firearms, firearm components, and ammunition for approximately 90 days. This action has raised concern about a possible extralegal attempt by the Biden Administration to harm the domestic firearms manufacturing industry in pursuit of an anti-firearm agenda by starving it of access to international markets for at least 90 days, perhaps indefinitely.<sup>1</sup> The Department's mission is to "drive U.S. economic competitiveness, strengthen domestic industry, and spur the growth of quality jobs in all communities across the country."<sup>2</sup> Your Department's recent decision appears to be at direct odds with its mission in service to the political whims of a radical anti-firearm administration. We seek and expect your Department's cooperation in providing additional information to determine a full accounting of this action and how it will impact U.S. firearms manufacturers and the jobs that industry provides.

On October 27, 2023, the Bureau of Industry and Security (BIS) announced that it would, "[e]ffective immediately... pause[] for approximately 90 days the issuance of new export licenses involving certain firearms, related components, and ammunition under its jurisdiction..." with exceptions for a limited list of countries.<sup>3</sup> In addition to pausing export licenses, the International Trade Administration (ITA), which assists entities and individuals seeking to have access to U.S. manufactured goods, will also "pause[] acceptance of new requests for export assistance (fee or non-fee-based) for firearms and ammunition to non-

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<sup>1</sup> Larry Keane, *Biden Administration Opens a New Front in its War on Guns and the Companies that Make Them*, THE TRUTH ABOUT GUNS (Oct. 31, 2023).

<sup>2</sup> U.S. Dep't of Commerce, *About Commerce*, available at <https://www.commerce.gov/about> (last accessed Nov. 8, 2023).

<sup>3</sup> U.S. Dep't of Commerce, Bureau of Industry and Security: *Firearms Pause & Review: Frequently Asked Questions* (Oct. 27, 2023), available at <https://www.bis.doc.gov/index.php/documents/policy-guidance/3374-2023-10-27-bis-faqs-firearms-pause-and-review/file>.

governmental end users worldwide...” except for those located in certain listed countries.<sup>4</sup> Specifically, the announced “pause” applies to issuances of new licenses for any item related to four Export Control Classification Numbers (ECCNs) for to certain firearms, components, and ammunition destined for any non-governmental end user apart from those located in Ukraine, Israel, or those specified in regulations.<sup>5</sup>

This 90 day “pause” is purportedly to enable Commerce “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.”<sup>6</sup> Commerce, however, did not provide any examples of such activity or any explanation why existing export regulations need amending to address the alleged issues. Commerce’s “pause” also only includes the ECCNs pertaining to firearms, but does not include those pertaining to items such as “‘specially designed’ implements of torture, including thumbscrews, thumbcuffs, handcuffs, spiked batons.”<sup>7</sup> This inconsistency of application calls into question whether Commerce’s alleged human rights rationale is a pretext to target the domestic firearms manufacturing industry.

To enable oversight into the possible politicization of Commerce’s activities intended to further build out American industry’s access to global markets and targeting of the firearm industry by this administration, provide the following documents and communications as soon as possible, but no later than December 12, 2023:

1. All documents and communications related to the 90-day Firearms Export Control Pause & Review referenced above within Commerce or between any individual within Commerce and any other federal agency;
2. All documents and communications related to the 90-day Firearms Export Control Pause & Review referenced above between Commerce and the White House or any official within the Executive Office of the President;
3. All documents and communications containing any guidance to BIS or ITA officials on effectuating their roles and responsibilities related to any matter pertaining to goods described by ECCNs 0A501, 0A502, 0A504, and 0A505 during the pause; and
4. All documents and communications related to the announced assessment of current firearm export control review policies.

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<sup>4</sup> U.S. Dep’t of Commerce, International Trade Administration, *Firearms Export Control Pause & Review* (Oct. 27, 2023), available at <https://www.trade.gov/sites/default/files/2023-10/firearms%20export%20pause%20and%20review%20102723.pdf>.

<sup>5</sup> See *supra*, n.1; see also 15 C.F.R. § 740, Supp. No. 1 (A:1, Wassenaar participating states).

<sup>6</sup> *Id.*

<sup>7</sup> See ECCN 0A983, *The Commerce Control List* (Feb. 24, 2023), available at <https://www.bis.doc.gov/index.php/documents/regulations-docs/2330-ccl0-to-9-10-24-18/file>.

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Additionally, please provide a staff-level briefing on this matter as soon as possible, but no later than December 5, 2023. Briefers should be prepared to provide a full explanation of the rationale for instituting the 90-day pause within Commerce, an explanation of whether the idea to institute the pause originated outside of Commerce and what other entities within or without the federal government were involved in the decision, specific information regarding the announced assessment of current firearm export control review policies to include the individuals involved in the assessment and the timeline for completion, and Commerce's assessment of the impact to the domestic firearms industry.

To schedule the briefing, arrange for delivery of responsive documents, or ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style and is positioned above a horizontal line.

James Comer  
Chairman  
Committee on Oversight and Accountability

cc: The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability