

United States Senate

WASHINGTON, DC 20510

April 19, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States of America
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

We welcome your actions on April 8, 2021 to curb gun violence in this country and increase checks and oversight on sales of ghost guns and components, and we strongly support your initiative to ban assault-style semiautomatic rifles. In this vein, we encourage you to take the further step of immediately restoring control of the export of these weapons back to the jurisdiction of the Department of State, and the oversight of the Congress, from the less-rigorous controls of the Department of Commerce to which the last Administration transferred them, as you promised during the campaign.

These lethal weapons are the most easily proliferated and hardest to control, and are used far more often in atrocities against innocents than any other weapon or weapon system. These are truly weapons of war, designed to kill large numbers of people very quickly. As such, they have been used in mass shooting after mass shooting since the assault rifle ban expired in 2004. They have no place being sold to civilians in this country or any other; we cannot, therefore, leave in place the less-restrictive controls at the Commerce Department on exports of these lethal weapons. The same is true for sniper rifles, also transferred to Commerce, and which have been used to such deadly effect by the drug cartels in Mexico against police and other security forces.

Not only did the Trump Administration weaken export control of these weapons – largely to please the gun manufacturers – but in so doing also eliminated Congress’s ability to be aware of and legally disapprove of such sales above \$1 million, since the transfer removed these exports from the application of the Arms Export Control Act. This despite Congress having acted through the 2002 Foreign Relations Authorization Act, when you were the Chairman of the Senate Foreign Relations Committee, to *increase* Congressional oversight over the export of these weapons, from the standard review threshold of \$50 million to \$1 million per sale.

Restoring the export control of semiautomatic assault-style and sniper rifles to State is a change your Administration can effect in short order without legislation and without approval from Congress, but through the regulatory process. For U.S. foreign policy and national security, and for the sake of humanity, these weapons need to be controlled as lethal defense articles on the U.S. Munitions List.

We understand that your Administration also reviewing the transfer of 3D Gun printing information from State to Commerce, which would also have occurred but for an injunction by a Federal district court judge in response to a lawsuit by 21 states' Attorneys General. These weapons could easily be smuggled onto aircraft or into schools, U.S. embassies and consulates, or other Federal facilities by eluding detection by standard metal detectors, putting innocent Americans and others at great risk. Transferring export control over all semi-automatic firearms back to the State Department would also address this problem.

Thank you for your prompt attention to this urgent matter.

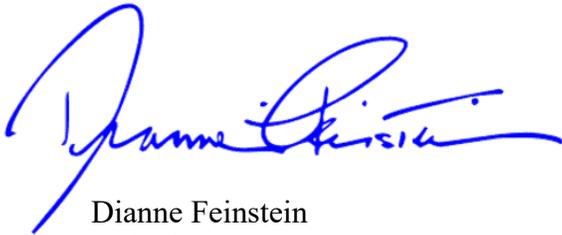
Sincerely,



Robert Menendez
United States Senator



Patrick Leahy
United States Senator



Dianne Feinstein
United States Senator