

The Firearm Sales Lawmakers Would Have Missed in 2019

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What's At Issue

In March of 2020, new regulations came into effect that drastically altered government oversight of U.S. firearm exports. The rules, proposed by the Trump Administration in 2018, transfer responsibility for the export of certain semi-automatic firearms and accessories from the State Department to the Commerce Department. Many have argued the move represents a serious erosion of congressional authority over these especially dangerous weapons.¹

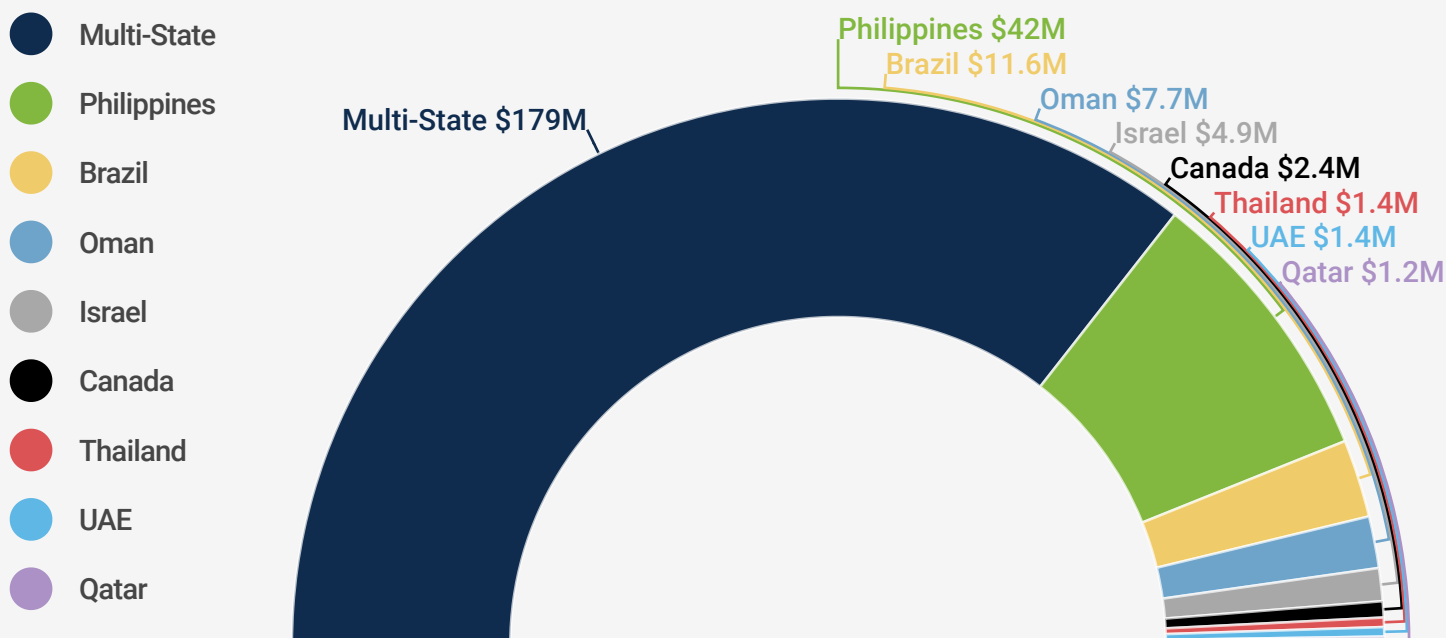
Overview of U.S. Firearms Regulation Change

In 2018, the Trump administration published a draft set of new regulations transferring control of the export of Categories I - III of the United States Munitions List (USML), overseen by the State Department, to the Commerce Control List, managed by the Commerce Department. The move, finalized this year, essentially hands oversight of firearms and associated goods to Commerce, whose requirements and vetting standards are seen as less strict than those of State.

While items on the USML require notification to Congress before export, items on the Commerce Control List do not, meaning that weapons packages that would previously receive scrutiny from lawmakers will now be able to move forward without any such oversight. The move has raised a number of national security and human rights concerns, as advocates have noted the unique risks firearm exports pose in global conflict, terrorism, and criminal enterprise.

In 2019, of the \$1.98 billion in USML I, II, and III sales the Trump administration notified to Congress, at least \$249 million, including to a number of countries with questionable human rights records, would almost assuredly have fallen under the radar and avoided congressional and public scrutiny. This issue brief looks at those sales, and the public oversight that would have been lost under new regulations.

Breakdown of 2019 Recipients that Could Have Escaped Notification Under New Guidelines²



1.) These figures are based on analysis by SAM, selecting those transactions that included non-automatic firearms, and other USML I, II, III items that could be impacted by new regulations. Knowing exactly which transactions would be impacted by Commerce Control list transfer is difficult, given the limited information available on congressional notifications, as well as the bundling of items in single notifications. The data above is the best assessment based on available information. 2.) The rules were set to be implemented starting March 9 and there is no indication that the rules have not come into implementation.

Troubling 2019 USML I-III Notifications that May Have Gone Unseen By Congress Under New Guidelines



\$39,550,000

License for the Philippines to manufacture and export of .22 magnum pistols



\$10,600,000

For Brazil to support the manufacture of components for sporting handguns and rifles



\$2,404,576¹

7.62mm semi-automatic rifles and suppressors to the Philippines for end use by the Department of National Defense, Armed Forces of the Philippines



\$1,364,900¹

.50 caliber semi-automatic rifles and sound suppressors to the UAE for end use by the General Headquarters, UAE Armed Forces



\$1,000,000²

9 mm semi-automatic pistols and spare barrels for Brazil

Firearms and the Philippines

Since assuming the presidency in 2016, Rodrigo Duterte has presided over a devastating reign of violence across the Philippines. His "war on drugs" has incited a wave of killings, including 27,000 deaths that the UN High Commissioner for Human Rights says are attributable to Philippine security forces. They have included a rash of extrajudicial killings and other abuses at the hands of the Philippine National Police.

Unsurprisingly, firearms sales which could aid in the Duterte government's police-led violence have been of particular concern for lawmakers and advocates who have depended on congressional notifications to prevent such questionable transfers. In 2016, lawmakers blocked the sale of 26,000 rifles to the Duterte government, sending both a message of political disapproval and providing practical protection to Filipino civilians.

The rule change proposed by the Trump administration would have made such congressional action impossible, raising concerns that the Commerce Department's management of firearms exports would, in effect, erode congressional oversight and make the export of firearms to risky clients much easier.

Over the past several years, a number of such sales to the Duterte government could have flown below the radar under the new regulatory regime. Details for these sales can be found below:

2016	Barrel blanks for the manufacture of small arms	\$1,900,000
2018	To support the manufacture, integration, installation, operation, testing, maintenance, and repair of .22 TCM and .22 TCM 9R ammunition cartridges	\$77,150,000
2018	9mm semi-automatic pistols	\$22,444,076
2019	7.62mm rifles and suppressors to the Philippines for end use by the Department of National Defense	\$2,404,576
2019	License for manufacture and export of .22 Magnum pistols	\$39,550,000

1) This sale includes suppressors, which will remain on the USML list, but because it is paired with semi-automatic rifles that would be moved to the Commerce Control list, we've decided to include it as well. 2.) This is a threshold value, or the minimum reporting value for notification, and not the final total for the sale.