

## Comments of the Violence Policy Center on Department of Commerce Revision of Firearms License Requirements, RIN 0694-AJ46

The Violence Policy Center (VPC) is a national non-profit research and policy organization working to reduce firearm death and injury. One of our primary areas of research is the United States gun industry. We have tracked developments in firearms technology and marketing for decades. Over this time period, gunmakers have progressively introduced increasingly lethal weapons onto the civilian marketplace, innovating for lethality rather than safety. Today's gun industry is focused on developing and marketing a wide range of militarized firearms that would be more properly controlled under the USML as they are either equivalent or virtually equivalent to firearms used by militaries around the world. In short, the gun industry uses increased lethality -- increased *killing power* -- as a principal selling point for civilians.<sup>1</sup> Moreover, the industry is open about its desire to continue to expand exports of these militarized firearms and related accessories. An analysis by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) of international crime gun trace requests from 2017 to 2021 found that 11 percent of the traces were attributable to firearms lawfully exported from the U.S. and later recovered in a foreign country.<sup>2</sup>

The VPC supports the effort to improve oversight of firearm exports including enhanced data collection and the addition of more detailed definitions to help identify assault weapons and .50 sniper rifles. These weapons represent a significant segment of the guns most coveted by traffickers, terrorists, and individuals who would utilize U.S. firearms in mass shootings, assassinations, and other criminal acts. Our comments on specific revisions, including some suggestions for additional improvements, follow below.

**Additional ECCNs.** Creation of new ECCNs for semi-automatic pistols, rifles, and shotguns will enhance the ability to identify some of the most problematic firearms, including assault weapons and .50 anti-armor sniper rifles. Applying a defined set of specific assault weapon characteristics will help limit and track the export of assault weapons of all types. While the gun industry claims the military-bred characteristics that distinguish assault weapons from sporting firearms are merely cosmetic, each characteristic performs a specific function born of military necessity that enhances the lethality of the firearm.<sup>3</sup>

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<sup>1</sup> See the VPC study *The Militarization of the U.S. Civilian Firearms Market* (June 2011): <https://vpc.org/studies/militarization.pdf>.

<sup>2</sup> See Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), National Firearms Commerce and Trafficking Assessment (NFCTDA): Crime Guns – Volume Two: <https://www.atf.gov/firearms/docs/report/nfcta-volume-ii-part-iv-crime-guns-recovered-outside-us-and-traced-le/download>.

<sup>3</sup> See <https://gunindustryaccountability.org/issue/assault-weapons-background/>.

The technical notes clarifying the inclusion of .50 BMG in the new ECCNs are important as .50 BMG rifles are particularly attractive to traffickers, terrorists, and criminal organizations. Fifty caliber sniper rifles are used by the cartels in Mexico to shoot down police and military helicopters. They have also been used in assassinations and other organized criminal activity intended to destabilize government authority.

The addition of separate tracking for firearm-related items that can be used to assemble illegal firearms or convert semi-automatic firearms to fully automatic machine guns or otherwise accelerate the rate of fire of semi-automatic firearms is an important measure to aid in controlling the proliferation of such devices. Privately made firearms and devices designed to accelerate the rate of fire of semi-automatic firearms are proliferating at an alarming rate in the United States and are increasingly associated with criminal activity and gun violence.

One additional improvement to the ECCN for semi-automatic shotguns would be to add to the list of characteristics the ability to accept a large-capacity ammunition magazine (in addition to drum magazines). Semi-automatic shotguns patterned after AK- and AR-type assault rifles that use large-capacity ammunition magazines are one of the latest and most popular trends promoted by the gun industry in the United States.

**BAG License Exception.** New limits on the BAG license exception are a significant improvement to help address concerns about trafficking and diversion. The previous rule that allowed the export of three shotguns and three firearms was a dangerous loophole, particularly given the growing popularity of assault-style shotguns. The rule could be improved by setting a reasonable time period for repatriation of the temporarily exported firearms. Tracking the temporary export and return of the firearms to the United States is an important component to ensure that the BAG exception is not being exploited by traffickers.

**Risk of Diversion.** The interim final rule rightly emphasizes the need to reduce the risk of legal firearm exports, particularly military-style assault weapons, being acquired by or diverted to persons intending to use them for criminal purposes. VPC research has identified at least two incidents -- in New Zealand and Norway -- in which legally exported firearms were used in horrific mass shootings abroad.<sup>4</sup> A lawfully exported assault weapon may also have been used in a December 21, 2023 mass shooting at Charles University in Prague, Czech Republic. The attack left 14 people dead and 22 injured. Multiple Czech and other news outlets reported the weapon as being a Zev Technologies .308 AR-10 assault

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<sup>4</sup> Sturm, Ruger assault rifles were used in both shootings, see the VPC's manufacturer profile: <https://gunindustryaccountability.org/wp-content/uploads/2024/02/ruger-maine.pdf>.

rifle. Zev is based in Centralia, Washington. It was also reported that the shooter legally owned multiple guns.<sup>5</sup>

Such events underscore the importance of limiting the export of military-style firearms that are the most attractive to mass shooters and other criminals. Furthermore, there need to be rules regarding the transfer and/or retransfer of exported firearms, including clearly defining the responsibilities of the exporter.

**Reduction of License Validity Period.** Reducing the general validity period from four years to one year for all future licenses is an improvement that will allow a more accurate assessment of the risks associated with particular exports. It will also allow for consideration of rapid developments in firearms technology.

**Presumption of denial.** The presumption of denial for non-government end users in certain high-risk countries will reduce the channels that can be exploited by traffickers.

A presumption of denial review policy should also be applied to the export of military-style firearms to non-governmental users. Assault weapons and .50 sniper rifles are the firearms most coveted by traffickers.<sup>6</sup> Recognizing the special hazard assault weapons represent, President Biden has consistently called for a federal assault weapons ban. Ten states and the District of Columbia have enacted assault weapons bans. As a matter of policy, the United States should not be supplying assault weapons and .50 sniper rifles to civilians in other countries.

**Transparency.** Firearm export data should be publicly available, including detailed information on the types of firearms, destination countries, and whether the end users are government entities or private commercial companies or individuals.

Respectfully submitted,

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<sup>5</sup> “Shock in Prague but shootings not unknown in Czech Republic,” *The Guardian*, December 21, 2023: <https://www.theguardian.com/world/2023/dec/21/shock-in-prague-shootings-czech-republic>.

<sup>6</sup> For specific information on assault weapons and .50 sniper rifles trafficked to Mexico and other Latin American and Caribbean countries, see the VPC’s ongoing *Cross-Border Gun Trafficking* project: <https://vpc.org/indicted/>.