

Congress of the United States

Washington, DC 20515

October 27, 2025

The Honorable Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Lutnick and Secretary Rubio:

We are alarmed that the Department of Commerce has eliminated enhanced firearm export controls.¹ This reversal increases the risk of criminal and terrorist organizations accessing assault weapons, heightening the threat of violence against law enforcement personnel and civilians.

The Commerce Department's Bureau of Industry and Security (BIS) controls when to issue export licenses for foreign entities purchasing most American-made firearms.² In April 2024, BIS issued an interim final rule (IFR) that strengthened controls on certain commercial exports of firearms — after finding that many exported guns were being “misused or diverted in a manner that adversely impacted U.S. national security and foreign policy interests.”³ Specifically, the rule created a “presumption” of denying exports of certain American weapons to non-governmental foreign entities in countries with a high risk of firearm diversion or misuse, strengthened mechanisms for tracking the export of semi-automatic firearms, shortened the validity period of export licenses from 4 years to 1 year to account for the risk of rapidly deteriorating security dynamics abroad, enhanced documentation requirements to reduce the risk of diversion, added controls on license exemptions, and more.⁴

This year, however, BIS decided that the rule “should be rescinded in its entirety,” with a narrow exception to maintain codes for tracking certain types of exports.⁵ Secretary Lutnick, at a congressional hearing on June 5, 2025, you stated that the Commerce Department was “looking

¹ Department of Commerce, Bureau of Industry and Security, “Revision of Firearms License Requirements,” September 30, 2025, <https://public-inspection.federalregister.gov/2025-18992.pdf>.

² International Trade Administration, “Firearms Export Control Pause & Review,” press release, October 27, 2023, <https://www.trade.gov/sites/default/files/2023-10/firearms%20export%20pause%20and%20review%20102723.pdf>; U.S. Government Accountability Office, “Export Controls: Improvements Needed in Licensing and Monitoring of Firearms,” <https://www.gao.gov/products/gao-25-106849>.

³ U.S. Department of Commerce, Industry and Security Bureau, “Revision of Firearms License Requirements,” Federal Register, April 30, 2024, <https://www.federalregister.gov/documents/2024/04/30/2024-08813/revision-of-firearms-license-requirements>.

⁴ *Id.*; 15 CFR 774.

⁵ Department of Commerce, Bureau of Industry and Security, “Revision of Firearms License Requirements,” September 30, 2025, <https://public-inspection.federalregister.gov/2025-18992.pdf>; Export Compliance Daily, “BIS Planning Reversal of Firearms Export Controls,” Ian Cohen, May 30, 2025, <https://exportcompliancedaily.com/article/2025/05/30/bis-planning-reversal-of-firearms-export-controls-2505290012?ch=sm&src=LI>.

into” whether to rescind this rule.⁶ You added: “I find [the rule] inconsistent with our views, so we’re examining it now and you should expect us to comment on it shortly.”⁷ Then on August 4, 2025, BIS sent for interagency review a final rule that was “expected to reverse some of th[e] restrictions” in the 2024 rule.⁸ On September 30, 2025, BIS published a final rule that almost entirely rescinded the firearm export control rule and explicitly prioritized concerns that the rule “negatively affected the U.S. firearms industry.”⁹ We are concerned that BIS’s decision to prioritize the profits of the U.S. firearms industry will undermine U.S. interests at home and abroad.

The firearms export rule offered a practical solution for addressing the flow of assault weapons to armed criminal and paramilitary groups, particularly throughout Latin America and the Caribbean. By rescinding the rule, Commerce is empowering the very cartels and criminal organizations that this Administration has sought to counter. In Guatemala, for example, over two thirds of guns confiscated from crimes and traced to a U.S. source in 2024 had been legally exported before being diverted to the criminal market.¹⁰ While the final rule argues that it preserves “sufficient latitude” to deny license applications that would undermine U.S. security interests,¹¹ in reality, it eliminates the most critical tools BIS had for ensuring that American firearms do not arm criminal actors abroad — including a policy of denying gun exports to private buyers in the most dangerous countries unless they can demonstrate that the export would pose a particularly low risk.¹²

Furthermore, firearms from the United States have exacerbated homicide rates that drive northward migration. For example, after a surge of weapons and ammunition into Ecuador from the United States and neighboring Peru (from which U.S.-exported firearms were diverted), its homicide rate grew exponentially from “6.7 per 100,000 in 2019 to a staggering 45 per 100,000 in 2023” — making Ecuador one of the most violent nations in Latin America and potentially contributing to its status as one of the top countries of origin for individuals crossing the U.S.

⁶ House Committee on Appropriations, “Budget Hearing – Fiscal Year 2026 Request for the Department of Commerce,” June 5, 2025, 1:04:23-1:04:25, <https://appropriations.house.gov/schedule/hearings/budget-hearing-fiscal-year-2026-request-department-commerce>; *see also* Export Compliance Daily, “Biden-Era Firearms Export Rule ‘Inconsistent’ With Trump Views, Commerce Head Says,” Marc Selinger, June 6, 2025, https://exportcompliancedaily.com/article/2025/06/06/bidenera-firearms-export-rule-inconsistent-with-trump-views-commerce-head-says-2506050050?BC=bc_6842ce52393d1.

⁷ House Committee on Appropriations, “Budget Hearing – Fiscal Year 2026 Request for the Department of Commerce,” June 5, 2025, 1:04:25-1:04:34, <https://appropriations.house.gov/schedule/hearings/budget-hearing-fiscal-year-2026-request-department-commerce>.

⁸ Export Compliance Daily, “BIS Sends Rule Revising Firearm Controls for Interagency Review,” August 6, 2025, https://exportcompliancedaily.com/article/2025/08/06/bis-sends-rule-revising-firearm-controls-for-interagency-review-2508050013?BC=bc_6892ffb8e640c.

⁹ U.S. Department of Commerce, Industry and Security Bureau, “Revision of Firearms License Requirements,” Federal Register, September 30, 2025, <https://www.federalregister.gov/documents/2025/09/30/2025-18992/revision-of-firearms-license-requirements>.

¹⁰ Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms Trace Data: Central America – 2024,” <https://www.atf.gov/resource-center/firearms-trace-data-central-america-2024>.

¹¹ Department of Commerce, Bureau of Industry and Security, “Revision of Firearms License Requirements,” September 30, 2025, p. 6, <https://public-inspection.federalregister.gov/2025-18992.pdf>.

¹² Congressional Research Service, “The Biden Administration’s New Restrictions on Firearms Sales,” Jordan B. Cohen and Kristin Finklea, May 29, 2024, https://www.congress.gov/crs_external_products/IF/PDF/IF12679/IF12679.2.pdf.

southern border without authorization.¹³ This trend has played out not only in legal export markets but also in countries where exports are illegal but that nevertheless receive cross-border flows of weapons trafficked from neighboring countries. For example, in Haiti, a “surge in killings, rapes and kidnappings”¹⁴ followed a recent “uptick in trafficking operations.”¹⁵

Secretary Rubio, you recently acknowledged to Congress that the United States possesses an “interest” in stopping the flow of “weapons that are bought in the United States and shipped” overseas that end up in the hands of cartels.¹⁶ Similarly, you have stressed to Congress that “[i]llicit firearms strengthen transnational criminal organizations (TCOs) and designated foreign terrorist organizations involved in the trafficking of drugs and contraband, enable violence that endangers U.S. citizens and businesses, and fuel illegal immigration.”¹⁷ Too often, legally exported firearms are diverted to the illicit market. While BIS and Republicans in Congress argue that rescission will benefit the firearm industry,¹⁸ doing so will also run directly counter to other core goals of this Administration.

We have long advocated for tightening firearm export controls. In many ways, the 2024 rule was modest, stopping far short of necessary reforms. For example, the Commerce Department could have transferred authority over certain firearm exports back to the State Department, reversing a change made during the first Trump Administration in 2020 and returning military-style firearms to the U.S. Munitions List.¹⁹ The change of jurisdiction from State to Commerce came after the Government Accountability Office warned that Commerce “may lack critical information to effectively screen parties to exports of firearms,”²⁰ and led to significantly more firearm export approvals and more firearm resales in countries with a high risk of misuse or diversion to the underground market.²¹ Short of reversal, the Commerce Department could have at least strengthened the rule to ensure adequate oversight of governmental end users, to cap the number

¹³ Center for American Progress, “At Home or Abroad, U.S. Firearms Should Not Fuel Violence, Instability, and Abuse,” Allison McManus and Laura Kilbury, July 15, 2024, <https://www.americanprogress.org/article/at-home-or-abroad-u-s-firearms-should-not-fuel-violence-instability-and-abuse/>; New York Times, “Some Chinese Weigh Painful Question: Stay or Flee Under Trump?,” Alicia Chen, August 3, 2025, <https://www.nytimes.com/2025/08/03/us/politics/chinese-stay-flee-united-states-trump.html>; U.S. Customs and Border Protection, “Nationwide Encounters,” last modified September 19, 2025, <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

¹⁴ Associated Press, “UN expands arms embargo on Haiti to all types of arms and ammunition,” Edith M. Lederer, October 18, 2024, <https://apnews.com/article/haiti-gangs-sanctions-arms-embargo-un-a68d75f117e803372189a44e9f8ecc37>.

¹⁵ The Guardian, “Guns and weapons trafficked from US fueling Haiti gang violence,” Oliver Laughland, March 14, 2024, <https://www.theguardian.com/us-news/2024/mar/14/haiti-gang-violence-us-guns-smuggling>.

¹⁶ House Foreign Affairs Committee, “FY26 State Department Posture: Protecting American Interests,” May 21, 2025, 29:00-29:12, <https://democrats-foreignaffairs.house.gov/hearings?ID=D0D195DB-4F39-4F5A-A902-4DE74F06D44E>.

¹⁷ Questions for the Record Submitted to Secretary of State Marco Rubio by Representative Joaquin Castro #9 House Foreign Affairs Committee, May 21, 2025, p. 9, on file with the Office of Senator Elizabeth Warren.

¹⁸ Letter from Senator Mike Lee, et al. to Secretary Howard Lutnick, March 5, 2025, <https://www.lee.senate.gov/services/files/9684282F-EA8C-4458-A406-13C05944C302>.

¹⁹ Letter from Senator Elizabeth Warren to Commerce Secretary Gina Raimondo, September 28, 2022, <https://www.warren.senate.gov/imo/media/doc/Letter%20to%20%20Commerce%20re%20assault%20weapons%20exports.pdf>.

²⁰ U.S. Government Accountability Office, “Export Controls: State and Commerce Should Share Watch List Information If Proposed Rules to Transfer Firearms are Finalized,” March 2019, pp. 1-46, <https://www.gao.gov/assets/gao-19-307.pdf>.

of exports to commercial buyers, and to assert that curbing the proliferation of illicit arms is “a foreign policy interest of the U.S.”²² While insufficient, Commerce’s modest IFR represented a crucial first step for stemming the flow of assault weapons to criminal groups around the globe. That rule should be maintained or strengthened, not eliminated.

Eliminating firearm export rules is a gift to violent cartels and drug traffickers responsible for the deaths of Americans and innocent civilians around the world. BIS’s new rule sacrifices some of this Administration’s top priorities in order to protect “hundreds of millions of dollars per year in export opportunities” for the gun industry.²³ Therefore, we urge you to reverse your decision to rescind the firearm export rule and request that you respond to the following questions no later than November 4, 2025:

1. Have any U.S. firearms exported to nongovernmental entities been diverted to any designated terrorist organizations since 2017?
 - a. If so, provide a full accounting of how many instances such firearms were diverted to designated terrorist organizations and an estimate of how many firearms in each instance, from January 2017 to the present day.
2. Is BIS now planning to export firearms to nongovernment entities in some of the most dangerous countries in the world that were on the list of 36 high-risk countries under the IFR — countries that your agencies determined presented a high risk of criminal cartels or terrorist organizations accessing the firearms?
3. Has BIS met with and solicited feedback from any other federal agencies regarding this rule change?
 - a. If so, please provide a list of the agencies, the dates of these meetings, and any recommendations provided by such agencies.
4. How did BIS assess the IFR’s impact on armed violence by criminal organizations and the risk that rescission could increase such violence? Please provide us with the formal risk assessment relied upon by BIS in making this decision.
5. In each of the five years preceding and the year following the IFR of 2024, how many firearm-related cases of potential violations of the *Export Control Reform Act* were investigated, and how many cases were prosecuted?
6. What role, if any, did the State Department have in informing the Commerce Department’s decision to rescind the rule? Please provide a list of all State Department officials, at the level of Assistant Secretary and above, who were consulted in this process.
7. Please provide a list of all meetings you or any members of your staff have had with firearm industry stakeholders since your Senate confirmation on February 18, 2025, regarding export controls. Include attendee names and affiliations, as well as the date,

²¹ U.S. Government Accountability Office, “Export Controls: Improvements Needed in Licensing and Monitoring of Firearms,” February 12, 2025, <https://www.gao.gov/products/gao-25-106849>; see also Center for American Progress, “At Home or Abroad, U.S. Firearms Should Not Fuel Violence, Instability, and Abuse,” Allison McManus and Laura Kilbury, July 15, 2024, <https://www.americanprogress.org/article/at-home-or-abroad-u-s-firearms-should-not-fuel-violence-instability-and-abuse/>.

²² Letter from Senator Elizabeth Warren and Representative Joaquin Castro to Secretary Gina Raimondo, July 1, 2024, https://castro.house.gov/imo/media/doc/castro-warren_letter_-_commerce_july_2024.pdf.

²³ U.S. Department of Commerce, Bureau of Industry & Security, “Department of Commerce Rescinds Biden-Era Firearms Rule, Restoring Common Sense to Export Controls on Civilian Firearms,” September 29, 2025, <https://media.bis.gov/press-release/department-commerce-rescinds-biden-era-firearms-rule-restoring-common-sense-export-controls-civilian>.

location, and the approximate length of each meeting, as well any documents created by Department staff or provided by the attendees.

8. What procedural steps did you take in the process of rescinding the IFR?
9. What procedures, if any, does BIS have in place to monitor and combat the illegal diversion of American firearms to high-risk regions?
10. Which agencies are involved in gathering the intelligence that informs enforcement of the Commerce Control List? What channels are in place to ensure sufficient interagency communication?
 - a. What procedure does BIS plan to follow to ensure that human rights considerations, and the views of relevant State Department offices, are incorporated into licensing decisions?
11. What kind of congressional notification will be provided for the firearms impacted by the rule changes? Specifically, which types of firearms will still be subject to congressional notification and which will no longer be?

Sincerely,



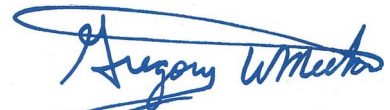
Elizabeth Warren
Ranking Member
Committee on Banking,
Housing, and Urban Affairs



Joaquin Castro
Ranking Member
Subcommittee on the Western
Hemisphere
House Committee on Foreign
Affairs



Richard J. Durbin
United States Senator



Gregory W. Meeks
Member of Congress




Charles E. Schumer
United States Senator



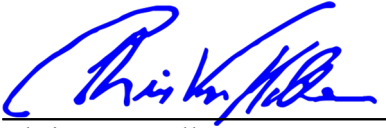
James P. McGovern
Member of Congress



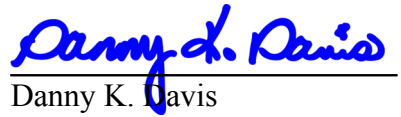
Jack Reed
United States Senator



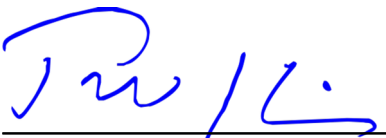
Grace Meng
Member of Congress



Chris Van Hollen
United States Senator



Danny K. Davis
Member of Congress



Tim Kaine
United States Senator



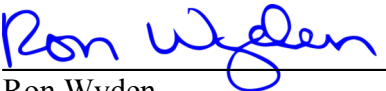
Sydney Kamlager-Dove
Member of Congress



Kirsten Gillibrand
United States Senator



Dan Goldman
Member of Congress



Ron Wyden
United States Senator



Eleanor Holmes Norton
Member of Congress



Bernard Sanders
United States Senator



Madeleine Dean
Member of Congress



Tammy Duckworth
United States Senator



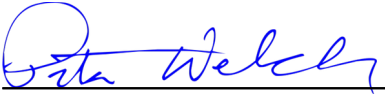
Sarah McBride
Member of Congress



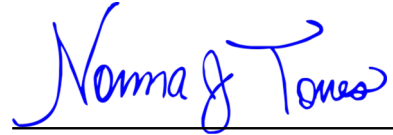
Cory A. Booker
United States Senator



Greg Casar
Member of Congress



Peter Welch
United States Senator



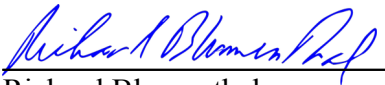
Norma J. Torres
Member of Congress



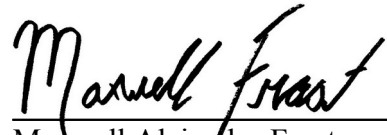
Mazie K. Hirono
United States Senator



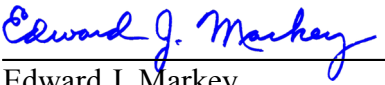
Gabe Amo
Member of Congress



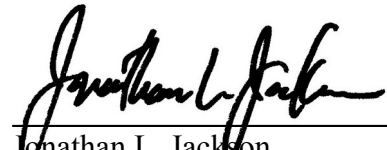
Richard Blumenthal
United States Senator



Maxwell Alejandro Frost
Member of Congress



Edward J. Markey
United States Senator



Jonathan L. Jackson
Member of Congress



Sheila Cherfilus-McCormick
Member of Congress



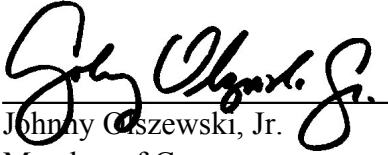
Dina Titus
Member of Congress




William R. Keating
Member of Congress




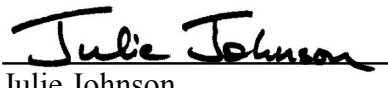
Sylvia R. Garcia
Member of Congress

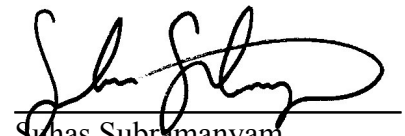

Johnny Ciszewski, Jr.
Member of Congress

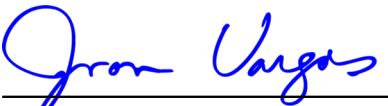

Dave Min
Member of Congress

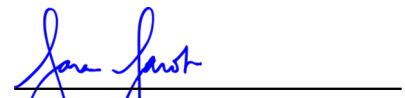

Valerie P. Foushee
Member of Congress


Timothy M. Kennedy
Member of Congress


Julie Johnson
Member of Congress



Subhas Subramanyam
Member of Congress

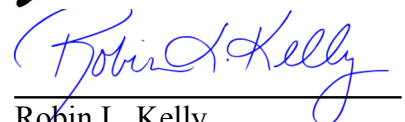

Juan Vargas
Member of Congress



Sara Jacobs
Member of Congress

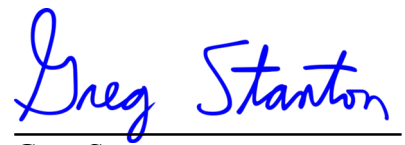

George Latimer
Member of Congress

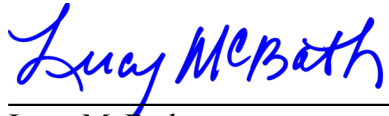

Jared Moskowitz
Member of Congress


Bradley Scott Schneider
Member of Congress

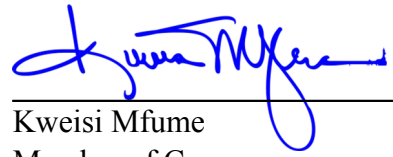

Robin L. Kelly
Member of Congress


Dwight Evans
Member of Congress


Greg Stanton
Member of Congress



Lucy McBath
Member of Congress



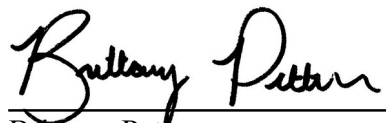
Kweisi Mfume
Member of Congress



Summer L. Lee
Member of Congress



Eric Swalwell
Member of Congress



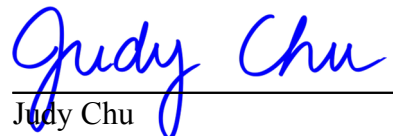
Brittany Pettersen
Member of Congress



Joseph D. Morelle
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Judy Chu
Member of Congress