

United States Senate

WASHINGTON, DC 20510

August 29, 2016

The Honorable Secretary Kerry
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Secretary Kerry:

We write today regarding guidance dated July 22, 2016 from the Directorate of Defense Trade Controls (DDTC) which seeks to clarify when a gunsmith is required to register under the International Traffic in Arms Regulations (ITAR). We are concerned that this guidance creates greater confusion and could lead to overly burdensome fees being placed on small businesses and hobbyists that are not engaged in manufacturing and do not export these goods.


We have heard from our constituents expressing concerns that DDTC's broad guidance would have a negative effect on our states' many hunters, shooters and gunsmiths. As supporters of the 2nd amendment, we can tell you it is not uncommon for individual owners to modify their own firearms. We have heard concerns that this guidance, in concert with implementing ITAR regulations, would require those who engage in such a practice to register with DDTC under ITAR. We are troubled by this possibility and ask that you ensure that is not the case.

We also have concerns with the potential impact of additional fees on small gunsmithing businesses through DDTC. The minimum annual registration fee of \$2,250 is excessive when one takes into account that many of these small businesses are not exporting these goods, thus not requiring any of DDTC's resources.

Finally, this issue highlights the need for the Administration to complete its Export Control Reform initiative. Last November, we asked President Obama to publish proposed rules regarding the status of Categories I, II and III of the U.S. Munitions List (USML). The fractured nature of the current export control process leads to inefficiencies in the granting of export licenses which ultimately impacts American businesses. We understand that some progress has been made on this front and urge the Administration to expeditiously complete work on these three categories. Additionally, we respectfully urge the Administration to give serious consideration to transferring the export licensing of commercial and sporting firearms and ammunition products to the Commerce Department.

We appreciate your attention to this matter and look forward to your response. We stand ready to work with you to ensure hunters, shooters and gunsmithing small businesses are not unduly burdened by this guidance.


Sincerely,



Jon Tester
United States Senator




Heidi Heitkamp
United States Senator



Joe Manchin
United States Senator



Martin Heinrich
United States Senator



Amy Klobuchar
United States Senator