

EXPORT CONTROL TIMELINE UNDER BIDEN'S COMMERCE DEPARTMENT

In 2009, President Barack Obama, with the support of his entire national security team, launched Export Control Reform (ECR) Initiative—a bipartisan, necessary, and NSSF-supported modernization of our export control system. Under President Donald Trump and his administration, the effort, which took the better part of a decade to complete, had finally crossed the finish line in 2020 for our industry. NSSF has led the charge, along with several of our allies on Capitol Hill, fighting attempts to reverse it or scale back reforms ever since. Below is a timeline of those efforts and dates of significant policy changes.

2020

- **July 17, 2020:** The Democratic-led [U.S. House Committee on Rules](#) considered [H.R.7900](#), the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA) and the 750+ amendments, including #593, submitted by Reps. [Norma Torres](#) (D-Calif.) and Katie Porter (D-Calif.) that would have restored congressional notification requirements. NSSF opposed the amendment, which ultimately was Made in Order and advanced.

2021

- **September 20, 2021:** The Democratic-led [U.S. House Committee on Rules](#) considered [H.R.4350](#), the FY22 NDAA, and the 860 amendments, including #457, submitted by Reps. [Norma Torres](#) (D-Calif.) and Katie Porter (D-Calif.) that would have restored congressional notification requirements. NSSF opposed the amendment, which ultimately was Made in Order and advanced.
- **September 23, 2021:** The Democratic-led U.S. House of Representatives voted on the Torres Amendment to [H.R.4350](#). NSSF key-voted against the amendment, which narrowly passed [215 to 213](#), with 3 Democrats voting NAY.
- **December 27, 2021:** The NSSF-opposed Torres Amendment that would have restored congressional notification requirements was stripped out during NDAA conference and not included in [Public Law No: 117-81](#) (S.1605 — 117th Congress, National Defense Authorization Act for Fiscal Year 2022).

2022

- **July 12, 2022:** The Democratic-led [U.S. House Committee on Rules](#) considered H.R.7900, the FY23 NDAA, and the 1230 amendments, including #794, submitted by Reps. [Norma Torres](#) (D-Calif.) and Katie Porter (D-Calif.) that would have restored congressional notification requirements. NSSF opposed the amendment, which ultimately was made in order and advanced.
- **July 14, 2022:** The Democratic-led U.S. House of Representatives voted on an en bloc amendment to H.R.7900, containing the Torres Amendment that would have restored congressional notification requirements. NSSF key-voted against the amendment, which passed by [voice](#) vote.
- **July 14, 2022:** The Democratic-led [U.S. Senate Committee on Banking, Housing, and Urban Affairs](#) held a hearing entitled, "Advancing National Security and Foreign Policy Through Export Controls: Oversight of the Bureau of Industry and Security (BIS)," during which [U.S. Senators Bob Menendez \(D-N.J.\) and Elizabeth Warren \(D-Mass.\)](#) questioned BIS Under Secretary Alan Estevez for BIS's "lackluster oversight" of exports, for approving too many exports, and inquiring him of President Biden's campaign promise to reverse Export Control Reform and return items previously on United States Munitions List Categories I, II, and III back to the State Department's United States Munitions List from the Commerce Control List.

- **December 23, 2022:** The NSSF-opposed Torres Amendment that would have restored congressional notification requirements was stripped out during NDAA conference and not included [Public Law No: 117-263](#) (H.R.7776 — 117th Congress, James M. Inhofe National Defense Authorization Act for Fiscal Year 2023).

2023

- **July 11, 2023:** The Republican-led [U.S. House Committee on Rules](#) met to consider [H.R.2670](#), the FY24 NDAA, and the 1550+ amendments, including #527, submitted by Reps. [Norma Torres](#) (D-Calif.) and Katie Porter (D-Calif.) that would have restored congressional notification requirements. NSSF opposed the amendment, which failed to advance.
- **October 27, 2023:** BIS instituted its so-called "90-day pause," titled "[Firearms Pause & Review: Frequently Asked Questions](#)", which immediately went into effect.
- **November 7, 2023:** U.S. Rep. Mark Green (R-Tenn.), Chairman of the House Committee on Homeland Security, sent a NSSF-supported [letter](#) to Commerce Secretary Raimondo and BIS Under Secretary Estevez, cosigned by 88 Members of the U.S. House, demanding answers and that BIS and Commerce "end this ridiculous hypocrisy."
- **November 14, 2023:** The U.S. House Committee on Rules met to consider [H.R. 5893-Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024](#), and the more than 250 amendments submitted, including 2 NSSF-

supported amendments by [U.S. Rep Ben Cline](#) (R-Va.) that would have prohibited funds from being used to implement the “pause” and scaled back BIS’s budget by \$3.5 million “due to the decreased resources needed for export licenses resulting from the [pause].” H.R.5893 ultimately did not receive floor consideration due to an unrelated issue.

.... **November 16, 2023:** U.S. Sen. (and industry member) Ted Budd (R-N.C.) sent a NSSF-supported [letter](#) to Commerce Secretary Raimondo, cosigned by nearly half of the U.S. Senate—46 Senators—expressing concerns “about the justifications for and ramifications of this pause” and demanding answers.

.... **November 28, 2023:** U.S. Rep. James Comer (R-Ky.), Chairman of the House Committee on Oversight and Accountability, sent a NSSF-supported [letter](#) to Commerce Secretary Raimondo requesting information and a staff-level briefing on this matter as soon as possible, but no later than December 5, 2023.

.... **November 29, 2023:** U.S. Rep. Mark Green (R-Tenn.) introduced the NSSF-supported Protect American Gun Exporters Act ([H.R.6504](#)), cosponsored by [44 House members](#), to prohibit actions to carry out the Department of Commerce’s pause.

.... **December 5, 2023:** U.S. Rep. Roger Williams (R-Texas), Chairman of the House Small Business Committee, along with four other members, sent a NSSF-supported [letter](#) to Under Secretary Estevez requesting additional information on the “pause” and the “substantial burden” on small businesses it places.

.... **December 11, 2023:** In response to Congressional pressure, BIS agrees to meet with NSSF, which provided our initial opportunity to raise industry concerns regarding the October 27 “pause,” directly with top BIS leadership.

.... **December 12, 2023:** The Republican-led U.S. House Foreign Affairs Committee held a hearing to review U.S. Export Controls at BIS. Witnesses included BIS Assistant Secretary for Export Administration Thea D. Rozman, who was questioned by [U.S. Rep. Tim Burchett](#) (R-Tenn.) on the “pause.”

.... **December 14, 2023:** U.S. Sen. Mike Lee (R-Utah) introduced the NSSF-supported Protect American Gun Exporters Act ([S.3531](#)), the Senate companion to H.R.6504, cosponsored by [11 Senators](#), to prohibit actions to carry out the Department of Commerce’s pause and any substantially similar action.

.... **December 21, 2023:** [Draft BIS Rule leaked](#) showing that the 90-day pause was anything but temporary. It was a prelude of what would eventually come – the Interim Final Rule (IFR).

2024

.... **January 5, 2024:** 70 days into the October 27, 2023, “pause,” NSSF secures follow-up meeting with BIS to further raise industry concerns.

.... **January 23, 2024:** U.S. Sens. Elizabeth Warren (D-Mass.) and Dick Durbin (D-Illinois) and Reps. Joaquin Castro (D-Texas) and Norma Torres (D-Calif.) double down and sent a [letter](#), strongly opposed by NSSF, to Commerce Secretary Gina Raimondo praising the department’s “pause” but complained that it did not go far enough and requested additional significant changes, including 1) recognizing that firearms are the only lethal weapons on the CCL, 2) enhancing requirements on end-use monitoring, 3) adding “crime control” to list of criteria Commerce should take into consideration, 4) reducing license validity, and 5) ending Commerce’s involvement in the SHOT Show.

.... **January 25, 2024:** U.S. Sens. Mike Lee (R-Utah), Rick Scott (R-Fla.) and Mike Braun (R-Indiana) penned a NSSF-supported [letter](#) to House

and Senate Republican leadership to block the BIS Export Pause in any future funding measure.

.... **February 14, 2024:** U.S. House Oversight and Accountability [Chairman James Comer](#) (R-Ky.) issued a [subpoena](#) to the U.S. Department of Commerce for documents, which the Department had failed to provide, related to the “pause.”

.... **February 21, 2024:** U.S. Sen. Mike Lee (R-Utah) penned an NSSF-supported [letter](#), along with 11 of his colleagues, to Under Secretary Estevez, demanding answers and urging him “to uphold [his] commitment to promoting economic opportunity, lift the ongoing pause on issuing new export licenses, and refrain from imposing any new regulations that would unduly harm countless small and medium sized business across the United States.”

.... **March 9, 2024:** U.S. Rep. Mark Green (R-Tenn.) sent a NSSF-supported [letter](#) to Commerce Secretary Raimondo and BIS Under Secretary Estevez demanding BIS lift the pause immediately and respond to questions by March 29, 2024.

.... **March 21, 2024:** Under Secretary Estevez testified before the [U.S. House Foreign Affairs Committee](#), where he faced questions by [U.S. Rep. Tim Burchett](#) (R-Tenn.) and [U.S. Rep. Mark Green](#) (R-Tenn.).

.... **April 26, 2024:** The U.S. Department of Commerce’s Bureau of Industry and Security [released](#) the IFR amending the Department’s licensing policy for exports of firearms, ammunition, and related components under its jurisdiction.

.... **April 30, 2024:** Revision of Firearms License Requirements, A Rule by the Industry and Security Bureau, was [published](#) in the Federal Register.

.... **May 1, 2024:** U.S. Rep. Mark Green (R-Tenn.) introduced the NSSF-supported Stop the BIS Rule Act

([H.R.8208](#)), cosponsored by [19 House members](#), to prohibit the use of Federal funds to finalize, implement, or enforce the BIS IFR relating to enhancing the control structure for firearms and related items and advancing human rights issued on April 26, 2024 (89 Fed. Reg. 34680)

.... **May 8, 2024:** U.S. Commerce Secretary Raimondo testified before the [U.S. Subcommittee on House Appropriations](#) on her Department's FY25 Budget Request and faced questions by Industry member, [U.S. Rep. Andrew Clyde](#) (R-Ga.), on the IFR.

.... **May 10, 2024:** NSSF facilitates webinar with BIS regarding Interim Final Rule.

.... **May 13, 2024:** U.S. Sen. Elizabeth Warren (D-Mass.) and U.S. Reps. Joaquin Castro (D-Texas), Adriano Espaillat (D-N.Y.), and Ilhan Omar (D-Minn.) sent a [letter](#), strongly opposed by NSSF, to U.S. Trade Representative Ambassador Katherine Tai applauding USTR's decision to remove the designation of import license requirements for explosives, firearms, and ammunition as trade barriers in the annual National Trade Estimate report as it is "another step forward in aligning U.S. trade policy with our domestic policy agenda and the interests of American families, instead of giant corporations."

.... **May 21, 2024:** Lead Republican of the U.S. Senate Committee on Banking, Housing, and Urban Affairs Tim Scott (R-S.C.) and U.S. Sen. Bill Hagerty (R-Tenn.), along with 21 of their colleagues, sent a NSSF-supported [letter](#) to Commerce Secretary Raimondo requesting BIS to withdraw the Rule and make themselves available to testify.

.... **May 30, 2024:** Revision of Firearms License Requirements, A Rule by the Industry and Security Bureau, [went into effect](#).

.... **June 5, 2024:** U.S. Senator Bill Hagerty (R-Tenn.) and U.S. Congressman Mark Green (R-Tenn.) introduced the NSSF-supported joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Commerce relating to "Revision of Firearms License Requirements." [S.J.Res.93](#) is cosponsored by over a [third of the U.S. Senate](#). [H.J.Res.164](#) is cosponsored by [over100 members of the U.S. House](#).

.... **June 11, 2024:** The Republican-led [U.S. House Committee on Rules](#) considered [H.R.8070](#), the FY25 NDAA, and the 1380+ amendments submitted, including #685, by Reps. [Norma Torres](#) (D-Calif.) and Katie Porter (D-Calif.) that would have restored congressional notification requirements. NSSF opposed the amendment, which failed to advance.

.... **June 27, 2024:** NSSF submitted public comment [letter](#) regarding the U.S. Department of Commerce's Bureau of Industry and Security's Interim Final Rule RIN 0694-AJ46

.... **July 1, 2024:** Deadline for Public Comments. [12,776](#) comment letters were received.

.... **July 9, 2024:** The Republican-led U.S. House Appropriations Committee [approved](#) H.R. 9026, the FY25 Commerce, Justice, Science, and Related Agencies Appropriations Act, 31 to 26, which contains the NSSF-supported provision ([Sec.598](#)) to prohibit funds from being used to implement, administer, or enforce the IFR.

.... **July 10, 2024:** The Republican-led [U.S. House Foreign Affairs Committee](#) marked up [H.J.Res.164](#), which would provide for congressional disapproval of the BIS IFR. U.S. Reps. [Mark Green](#) (R-Tenn.) and [Warren Davidson](#) (R-Ohio) spoke in support, and U.S. Reps. [Ami Bera](#) (D-Calif.) and [Gabe Amo](#) (D-R.I.) in opposition.

.... **July 11, 2024:** The Republican-led U.S. House Foreign Affairs Committee [passed H.J.Res.164](#), along party lines, [24-23](#).

.... **July 19, 2024:** The Republican-led [U.S. House Committee on Rules](#) Amendment Deadline for [H.R. 9026](#), the FY25 Commerce, Justice, Science, and Related Agencies Appropriations Act. Of the 209 amendments submitted is one by [U.S. Rep. Gabe Amo](#) (D-R.I.) that would strike Sec. 598, which would prohibit funds from being used to implement, administer, or enforce the IFR.

.... **July 25, 2024:** BIS Assistant Secretary Thea Kendler faced questions from [Sen. Tim Scott](#) (R-S.C.) at U.S. Senate Committee on Banking, Housing, and Urban Affairs hearing, "Advancing National Security through Export Controls, Investment Security."

.... **July 30 - August 1, 2024:** NSSF facilitates direct industry engagement with BIS officials at NSSF's Annual Import/Export Conference.