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In letter, Sens. Hagerty and Budd demand answers over Joe Biden’s pause of firearms export licenses; NSSF says ‘pause’ could have big negative impact

NASHVILLE, TN—United States Senator Bill Hagerty (R-TN), a member of the Senate Foreign Relations Committee, joined Senator Ted Budd (R-NC), along with 44 other Senate Republican colleagues, in sending a letter to Secretary of Commerce Gina Raimondo raising questions over the decision announced last month by the Bureau of Industry and Security to pause for 90 days the issuance of export licenses for firearms, ammunition, and certain accessories to most overseas markets. This unprecedented move is the latest chapter in the Biden Administration’s hostility towards America’s firearms industry.

“This pause puts at stake U.S. commercial and economic interests, as well as those business interests of firearm exporters whose pending exports are now subject to pause, in addition to U.S. national security and foreign policy interests,” the Senators wrote. “According to a survey conducted by NSSF, the firearm and ammunition industry trade association, this decision would have a severe negative economic impact.”

“Furthermore, it is our understanding that the Department has never before imposed such a 90 day pause on such a wide range of firearms exports,” the Senators continued. “We have significant concerns about the justifications for and ramifications of this pause. Finally, we are concerned the unmet demand created by this action will promote opportunities for less scrupulous, professional, or conscientious sources of supply to fill the void, thereby strengthening illicit arms markets.”

The Senators are requesting a response to their inquiry by no later than November 30. A copy of the letter can be found below.



Sen. Bill Hagerty

Dear Secretary Raimondo:

We write regarding the October 27 announcement from the Bureau of Industry and Security (BIS) of the Department of Commerce (the Department) that “[e]ffective immediately”, the Department “is pausing for approximately 90 days the issuance of new export licenses involving certain firearms, related components, and ammunition” as well as “the provision of new export assistance activities for such products to all non-governmental end users worldwide” with the exception of “those located in Ukraine, Israel, or a country in Country Group A:1 (Wassenaar Arrangement Participating States).” Further, this announcement stated that the Department will, during this “‘pause’ period”, conduct an urgent review of “current firearm export control review policies” in light of “U.S. national security and foreign policy interests” to “enable the Department to more effectively assess and mitigate risk of firearms being diverted to entities or activities that promote regional instability, violate human rights, or fuel criminal activities.”

We recognize the crucial need for firearms for civilian self-defense in Ukraine and Israel, which are exempted from this pause, and note the actions by the Ukrainian and Israeli governments to fulfill those needs. For

example, in response to the Hamas attacks, Israeli Prime Minister Benjamin Netanyahu said that part of the war against Hamas involves “encouraging civilians and helping civilians to arm themselves for their self-defense.” The Israeli Minister of National Security, Itamar Ben-Gvir, promised to distribute 10,000 free weapons, including 4,000 rifles to settlers in the West Bank, and has relaxed rules for permits to allow 400,000 new people to qualify to carry a firearm. Similarly, in response to the Russian invasion of Ukraine, Ukraine’s President Volodymyr Zelenskyy announced on February 24, 2022, that the Ukrainian government “will give weapons to anyone who wants to defend the country.” By June 2022, Ukraine had distributed “tens of thousands” of firearms to civilians “for national defense”, according to Ukrainian Interior Minister Denys Monastyrsky.

However, we also recognize the significance of exports that are now put on pause by the Department’s announcement. As you know, firearms exports to non-government users in countries not covered by the exception constitute a significant percentage of overall U.S. firearm exports. This pause puts at stake U.S. commercial and economic interests, as well as those business interests of firearm exporters whose pending exports are now subject to pause, in addition to U.S. national security and foreign policy interests. According to a survey conducted by NSSF, the firearm and ammunition industry trade association, this decision would have a severe negative economic impact. As of today, the industry estimates a direct cost of at least \$89 million associated with the 90 day pause and at least \$238 million annually should the pause become

*“We recognize the crucial need for firearms for civilian self-defense in Ukraine and Israel, which are exempted from this pause, and note the actions by the Ukrainian and Israeli governments to fulfill those needs. For example, in response to the Hamas attacks, Israeli Prime Minister Benjamin Netanyahu said that part of the war against Hamas involves “encouraging civilians and helping civilians to arm themselves for their self-defense...”*

permanent. Furthermore, it is our understanding that the Department has never before imposed such a 90 day pause on such a wide range of firearms exports. We have significant concerns about the justifications for and ramifications of this pause. Finally, we are concerned the unmet demand created by this action will promote opportunities for less scrupulous, professional, or conscientious sources of supply to fill the void, thereby strengthening illicit arms markets.

Thus, for the purpose of congressional oversight regarding the Department’s announcement we ask that you respond to the following questions and requests by November 30, 2023:

1. Please explain the reasoning for this pause and identify the specific U.S. national security and foreign policy interests that are part of this reasoning.
2. What specific situations has the Department identified where the current export policies affected U.S. national security and foreign policy interests, and contributed to regional instability, violated human rights, or fueled criminal activities?

3. Did BIS engage with firearm and ammunition industry stakeholders prior to the October 27 announcement to understand the impact this unprecedented decision would have on their industry?
4. Did BIS engage with advocacy organizations prior to the October 27 announcement to provide advance knowledge of this announcement?
1. If yes, then please provide a list of these organizations.
5. Has BIS held a meeting with firearm and ammunition industry stakeholders since making the October 27 announcement?
6. Please provide data on the number of export license applications covered by the Department’s October 27 announcement for all countries (disregarding any exceptions) that were pending on October 27, and the number submitted over the previous six months.
7. Please provide data on export license applications submitted for non-governmental users in Ukraine since the Russian invasion in February 2022 that are of the same type covered by the Department’s October 27 announcement.
8. Please provide data on export license applications submitted for non-governmental users in Israel since Hamas’ attacks began in October 2023 that are of the same type covered by the Department’s October 27 announcement.
9. Please provide data on the number of Department employees reviewing export license applications related to the October 27 announcement.
10. Please provide data on the average number of export license applications related to the October 27 announcement reviewed per day.
11. Please provide data on the average time to review export license applications related to the October 27 announcement to non-governmental users in Ukraine.
12. Please provide data on the average time to review export license applications related to the October 27 announcement to non-governmental users in Israel.
13. Are supplemental funds needed to add more Department employees to review applications so that reviews can be completed in a timely manner?
1. If so, what is the needed level of supplemental funding and how many additional employees should the Department add?
14. What is your estimate of potential economic loss, measured in dollars, to U.S. firearms industry as a result of this pause?
15. What is your estimate of potential economic loss, measured in job losses, to U.S. firearms industry as a result of this pause?



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SAF seeks en banc hearing on Illinois gun ban

BELLEVUE, WA - Nov. 20, 2023— Attorneys for the Second Amendment Foundation and its partners in one of three federal court actions challenging the ban on so-called “assault weapons” and their magazines in Illinois have filed a petition for rehearing before an en banc panel of the Seventh U.S. Circuit Court of Appeals.

The consolidated cases are known as Harrel v. Raoul, Barnett v. Raoul and Federal Firearms Licensees of Illinois v. Raoul. SAF is a plaintiff in the Harrel case, along with the Illinois State Rifle Association, Firearms Policy Coalition, C4 Gun Store and a private citizen, Dane Harrel, for whom the case is named. They are represented by attorneys Mark L. Shaw, Jennifer Craigmile Neubauer and

Michael A. Danfore of Waukegan, Ill., and C.D. Michel and Anna M. Barvir of Long Beach, Calif, along with David Sigale of Wheaton, Ill., and David H. Thompson, Peter A. Patterson and William V. Bergstrom of Washington, D.C.

“In our petition,” said SAF founder and Executive Vice President Alan M. Gottlieb, “we note how the three-judge appellate panel essentially thumbs its nose at the Supreme Court’s ruling in Bruen. Without explanation, the 2-1 appeals panel majority arbitrarily found that modern semiautomatic rifles are apparently not protected by the Second Amendment even though they clearly are protected, primarily because they are in common use and are not considered ‘dangerous or unusual’ arms. The

*“Just because the appellate panel apparently disagrees with the Supreme Court on the Second Amendment,” added SAF Executive Director Adam Kraut, “they cannot simply reject the high court’s rulings and make up their own by subjectively determining all guns on the banned list are suitable only for military purposes and therefore are not protected by the Second Amendment...”*

three-judge panel opinion cannot be allowed to stand.”

“Just because the appellate panel apparently disagrees with the Supreme Court on the Second Amendment,” added SAF Executive Director Adam Kraut, “they cannot simply reject the

high court’s rulings and make up their own by subjectively determining all guns on the banned list are suitable only for military purposes and therefore are not protected by the Second Amendment. We’re hopeful a full en banc panel will correct this error.”

The Second Amendment Foundation ([www.saf.org](http://www.saf.org)) is the nation’s oldest and largest tax-exempt education, research, publishing and legal action group focusing on the Constitutional right and heritage to privately own and possess firearms. Founded in 1974, The Foundation has grown to more than 720,000 members and supporters and conducts many programs designed to better inform the public about the consequences of gun control.

