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April 29, 2025

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

Dear Secretary Lutnick:

I write to express my concern regarding recent reports that the Bureau of Industry and Security (BIS) and the International Trade Administration (ITA) have inadequate procedures to effectively prevent diversion and misuse of American-made firearms sold abroad. I urge you to ensure that BIS and ITA immediately rectify these issues and comply with all relevant BIS guidelines and export control best practices.

End-use checks, which require on-location verification of importers' bona fides, are the cornerstone of an effective export control policy and are paramount to ensure end user compliance with approved license agreements and to verify that controlled dual-use items like firearms are not being illicitly diverted or re-exported to bad actors. As you know, the illicit diversion of firearms and related items can have serious impacts on U.S. national security and foreign policy interests. For example, in 2023, a firearm legally exported from the U.S. and into Peru was diverted and used to assassinate an Ecuadorian presidential candidate.<sup>1</sup> In other instances, firearms legally exported from the U.S. have also been diverted to Russia by third-country resellers.<sup>2</sup> Effective end-use monitoring through both pre-license checks and post-shipment verification is critical to ensuring violations like these can be caught or prevented entirely.

Given the importance of end-use checks, I am concerned about the severe lack of assigned BIS Export Control Officers (ECOs) in critical regions. For example, as of October 2024, nearly every country in Africa and Central and South America lacked an ECO responsible for conducting end-use monitoring, despite countries in these regions representing more than 40% of all approved firearm licenses, as well as 67% of all countries deemed high risk for firearm diversion.<sup>3</sup> Troublingly, in these countries and circumstances where ECOs or other BIS Office of Export Enforcement special agents – such as those in the Sentinel Program – are not available to

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1 U.S. Government Accountability Office, "Export Controls: Improvements Needed in Licensing and Monitoring of Firearms," February 12, 2025, pp. 35-36, <https://www.gao.gov/assets/gao-25-106849.pdf>.

2 Revision of Firearms License Requirements, 89 Fed. Reg., 34,681, April 30, 2024, <https://www.federalregister.gov/documents/2024/04/30/2024-08813/revision-of-firearms-license-requirements>.

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conduct end-use checks, BIS has relied on diplomatic personnel from other agencies or bureaus, including ITA, who may not have investigatory experience or sufficient knowledge of BIS Export Administration Regulations.

The responsibilities of export controls cannot and should not be handled by other Commerce bureau employees. While BIS is responsible for enforcing American export controls and minimizing the risk of diversion, ITA's primary responsibility is to facilitate trade and promote U.S. commercial interests abroad. ITA foreign commercial service (FCS) officers frequently work with U.S. exporters, which may include exporters in the firearm industry, to find new customers overseas. ITA even provides a paid service called the Gold Key Service, through which ITA FCS officers facilitate meetings between U.S. companies and interested partners—potentially including firearm distributors—in a foreign market. ITA has also recruited foreign businesses to attend the Shooting, Hunting, and Outdoor Trade (SHOT) Show, an annual firearms trade show held in the United States. Concerningly, these same ITA FCS officers responsible for recruiting SHOT Show attendees have, in some cases, also been required to conduct end-use checks on the same prospective firearm importers because BIS lacks adequate staff. This is a clear conflict of interest with ITA FCS officers' primary duties. A recent report from the Government Accountability Office (GAO) found that in six countries ITA FCS officers conducted all end-use checks for firearms and that in nearly 80% of instances, “the ITA officer conducting or assisting in conducting the checks was also the SHOT Show representative for their respective country, assigned to recruit foreign businesses to attend the trade show as delegates.” An official charged with national security responsibilities over certain firearms cannot and should not be the same official charged with selling the same firearms.

Given the importance to U.S. national security and foreign policy of preventing firearm diversion and misuse, it is especially concerning that neither BIS nor ITA has developed intra-agency guidance outlining standard operating procedures for ITA FCS officers who are tasked with conducting end-use checks. In fact, in its February 2025 report, GAO found that on multiple occasions, “locally employed staff—foreign nationals who work for ITA at U.S. embassies or consulates—conducted end-use checks for firearms on their own in a country now listed as high risk for firearm diversion or misuse,” despite BIS officials not having made an exception for this to occur. This appears to be a violation of agency policy. Further, I am concerned that absent formal intra-agency guidance, ITA staff may continue to be required to conduct end-use checks without a sufficient understanding of how to conduct them or how to prevent conflicts of interest.

I appreciate the Commerce Department's concurrence with GAO's recommendations, but I request additional information about the Department's plans:

1. Is BIS planning on establishing an ECO position for either the Western Hemisphere or Africa?
  - a. If yes, when will the position(s) be filled?

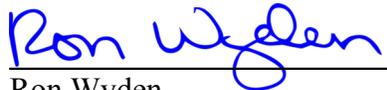
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3 U.S. Government Accountability Office, “Export Controls: Improvements Needed in Licensing and Monitoring of Firearms,” February 12, 2025, pp. 34-35, <https://www.gao.gov/assets/gao-25-106849.pdf>.

2. Will the Commerce Department commit to requiring BIS and ITA to develop guidance, including standard operating procedures for ITA FCS officers who are conducting end-use checks?
  - a. If yes, when will this guidance be finalized?
  - b. Have there been any meetings between BIS and ITA on this issue since the publication of the GAO report?
3. Does ITA have a policy on allowing locally employed staff to conduct end-use monitoring?
4. What training do ITA FCS officers currently receive regarding end-use monitoring and Export Administration Regulations?
5. How many end-use checks for firearms or related items such as ammunition and optical devices have been conducted by ITA FCS officers in the last five calendar years? How many of these checks resulted in the denial of exports?
6. How many firearms export licenses have been approved by BIS since February 1, 2025?
  - a. Please provide a list of countries, if any, to which firearms export licenses have been approved for since February 1, 2025.

Thank you for your prompt attention to this matter.

Sincerely,



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Ron Wyden  
United States Senator

CC: Jeffrey Kessler, Under Secretary of Commerce for Industry and Security