

ALERT

# Proposed Shift for Small Arms Export Controls from State Department to Commerce Department Authority

May 16, 2018

Yesterday, the Trump Administration announced a plan to transfer control over the export of small arms from the U.S. Department of State's International Traffic in Arms Regulations (ITAR) to the typically less-stringent U.S. Department of Commerce's Export Administration Regulations (EAR). The shift will affect U.S. small arms exports, including non-automatic and semi-automatic firearms up to .50 caliber, non-automatic and non-semi-automatic rifles and other weapons up to .72 caliber, and some ammunition, as well as certain gun parts and components.

The departments of Commerce and State detailed the plan to members of Congress during a confidential briefing on May 15. Agency officials explained that the regulatory burden associated with small arms exports would decrease as a result of the export controls shift, which is intended to promote American exports. For example, manufacturers and exporters of items shifted to EAR control will no longer be required to register annually with the State Department or pay an annual registration fee.

The State Department will retain control under the ITAR over military-grade weapons and other weapons systems that typically are not commercially available to the public, such as in sporting goods stores, as well as gun silencers and large component parts for fully automatic weapons.

The proposed rule from the Commerce Department regarding the transfer of authority is available [here](#) and the State Department's proposed rule is available [here](#). Once the proposed rule is published

## Authors

John R. Shane  
Partner  
202.719.7222  
[jshane@wiley.law](mailto:jshane@wiley.law)

Laura El-Sabaawi  
Partner  
202.719.7042  
[lel-sabaawi@wiley.law](mailto:lel-sabaawi@wiley.law)

Lori E. Scheetz  
Partner  
202.719.7419  
[lscheetz@wiley.law](mailto:lscheetz@wiley.law)

## Practice Areas

Export Controls and Economic Sanctions  
International Trade

in the Federal Register, interested parties will have 45 days to submit comments to the agencies. The export controls changes will not be effective unless and until a final rule is published.

For more information or with any questions about the ITAR or EAR, please contact Dan, Jack, Laura, or Lori.