

116TH CONGRESS
1ST SESSION

S. 459

To protect the American people from undetectable ghost guns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2019

Mr. MENENDEZ (for himself, Mr. MURPHY, Mr. MARKEY, Mrs. FEINSTEIN, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To protect the American people from undetectable ghost guns, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stopping the Traffic
5 in Overseas Proliferation of Ghost Guns Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Small arms and associated ammunition
9 are—

10 (A) uniquely lethal;

1 (B) easily spread and easily modified, and

2 (C) the primary means of injury, death,
3 and destruction in civil and military conflicts
4 throughout the world.

5 (2) Congress enacted legislation in 2002 to en-
6 sure that the sale and export of such weapons would
7 receive close congressional scrutiny and oversight,
8 which has proven important on multiple occasions.

9 (3) President Donald Trump has proposed to
10 transfer the oversight of the export of most of these
11 lethal weapons from the control of the Department
12 of State under the United States Munitions List to
13 the less stringent export controls of the Department
14 of Commerce, in part to expedite the sale of such
15 weapons abroad.

16 (4) This proposed transfer would—

17 (A) lessen the oversight of the Secretary of
18 State to ensure that such exports comply with
19 United States foreign policy, national security,
20 and human rights requirements;

21 (B) completely eliminate congressional re-
22 view of these sales by removing them from the
23 jurisdiction of the Arms Export Control Act (22
24 U.S.C. 2751 et seq.), which mandates that such
25 sales of \$1,000,000 and higher be reviewed by

1 Congress and subject to the introduction, con-
2 sideration, and vote on a resolution of dis-
3 approval to reject such sales; and

4 (C) facilitate the global dissemination of
5 technical information, including blueprints, of
6 firearms, allowing their easy production with
7 3D printers.

8 (5) Firearms manufactured with 3D printers
9 could be untraceable and undetectable by conven-
10 tional means, making it easier for criminals, terror-
11 ists, and other bad actors to commit violent crimes.

12 **SEC. 3. STATEMENT OF POLICY.**

13 It is the policy of the United States that—

14 (1) the export of lethal firearms and ammuni-
15 tion deserves the highest level of executive and con-
16 gressional scrutiny and oversight; and

17 (2) long-standing practices, policies, and legal
18 requirements regarding such exports should be con-
19 tinued and strengthened.

20 **SEC. 4. PROHIBITION ON REMOVAL OF FIREARMS FROM**
21 **UNITED STATES MUNITIONS LIST.**

22 (a) RESTRICTION ON REMOVAL OF FIREARMS FROM
23 UNITED STATES MUNITIONS LIST.—Notwithstanding
24 section 38 of the Arms Export Control Act (22 U.S.C.
25 2778), the President may not remove any firearm, or tech-

1 nical information relating to such firearm, from the
2 United States Munitions List.

3 (b) LIMITATION ON MODIFYING REGULATIONS.—

4 The President and the Secretary of State may not change
5 or alter any requirement under the International Traffic
6 in Arms Regulations (subchapter M of chapter I of title
7 22, Code of Federal Regulations) or such successor regula-
8 tions relating to the export of firearms controlled on the
9 United States Munitions List, as such regulations and mu-
10 nitions list were composed as of January 1, 2018.

11 **SEC. 5. CONGRESSIONAL OVERSIGHT OF SUSPENSION OF**
12 **EXPORT CONTROL REGULATIONS.**

13 The Secretary of State may not suspend the applica-
14 tion of the International Traffic in Arms Regulations
15 (subchapter M of chapter I of title 22, Code of Federal
16 Regulations) or any such successor regulations, or any
17 part thereof, unless the Secretary of State has notified the
18 Committee on Foreign Relations of the Senate and the
19 Committee on Foreign Affairs of the House of Representa-
20 tives in accordance with the process and procedures speci-
21 fied in section 38(f) of the Arms Export Control Act (22
22 U.S.C. 2778(f)).

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