

Prevent Crime and Terrorism Act of 2018

Congresswoman Norma J. Torres (CA-35)

Original cosponsors: Rep. Eliot L. Engel (NY-16), Rep. Jamie Raskin (MD-08), Rep. James P. McGovern (MA-02), and Rep. Tulsi Gabbard (HI-02)

The proliferation of firearms and other small arms to terrorist groups and transnational criminal organizations poses a significant threat to our national security. Currently, the State Department is in charge of reviewing applications for licenses to export firearms and other small arms. However, the administration is proposing to transfer this oversight authority to the Commerce Department; under a rule expected in the coming months, items from Categories I, II, and III of the United States Munitions List (which is managed by the State Department) would be transferred to the Commerce Control List (which is managed by the Commerce Department).

This proposed de-regulation is dangerous for several reasons. For one, the granting of licenses for items under the Commerce Control List is not subject to the same level of congressional oversight as the granting of licenses under the United States Munitions List. Additionally, under the Strategic Trade Authorization, items on the Commerce Control List could be exported to as many as 36 different countries without needing to apply for any license at all. Furthermore, the State Department's mandate and expertise make it better suited to ensuring that national security and foreign policy considerations are properly weighed when making a decision about whether to grant or deny each particular license. With less oversight and more loopholes, and without the proper consideration of possible down sides, it is very likely that the administration's plan could be a boon for illegal weapons traffickers and their unsavory customers—from ISIS to Mexico's Sinaloa Cartel.

Section-by-Section

Sec. 1 Short Title

Sec. 2 Prohibition on Removal of Certain Items under Categories I, II, and III of the United States Munitions List

- 1) Amends title 22, United States Code 2278(f), to prohibit the President from removing any of the following items from the United States Munitions List, for the purpose of transferring such items to the Commerce Control List:
 - a) Any item that was designated, as of January 10, 2018, as “significant military equipment” (examples of such items include firearms, ammunition, and grenade launchers);
 - b) Components, parts, accessories, or attachments of items that are designated as significant military equipment;
 - c) Flame throwers specifically designed or modified for military application; or
 - d) Apparatus or devices for launching or delivering ordnance.