



UNITED STATES DEPARTMENT OF COMMERCE  
Bureau of Industry and Security  
Washington, DC 20230

June 9, 2021

Mr. Cody Wilson  
Defense Distributed  
2320 Donley Dr., Suite C  
Austin, TX 78758-4514

Dear Mr. Wilson,

This letter is to inform you that certain “software” and “technology” previously regulated by the Department of State under its International Traffic in Arms Regulations (ITAR), 22 C.F.R. parts 120–130, is now subject to the Export Administration Regulations (EAR), 15 C.F.R. parts 730 – 774. *See* 86 Fed. Reg. 29189 (June 1, 2021) (providing notice of the Commerce Department’s regulatory jurisdiction over the export of certain 3D-printed firearm software and technology).

Under section 734.7(c) of the EAR, authorization from the Bureau of Industry and Security (BIS) at the Department of Commerce is required to “export,” “reexport,” or “transfer (in-country)” certain “software” or “technology.”<sup>1</sup> The EAR defines “export” as including the “shipment or transmission of [such an] item out of the United States, including the sending or taking of the item out of the United States, in any manner,” and “the release or transfer of technology or source code relating to [such an] item to a foreign person in the United States.” 15 C.F.R. § 734.13. “Technology” is defined, in turn, as including “information necessary for the ‘development,’ ‘production,’ ‘use,’ operation, installation, maintenance, repair, overhaul, or refurbishing (or other terms specified in [Export Control Classification Numbers (ECCNs)] on the [Commerce Control List] that control ‘technology’) of an item.” 15 C.F.R. § 772.1. In addition, as noted in section 772.1 of the EAR, “technology may be in any tangible or intangible form, such as written or oral communications, blueprints, drawings, photographs, plans, diagrams, models, formulae, tables, engineering designs and specifications, computer-aided design files, manuals or documentation, electronic media or information revealed through visual inspection.”

No license exceptions are available for exports posted without restrictions online—such postings are considered worldwide releases, including the most restricted embargoed or sanctioned destinations under the EAR, foreign nationals, and “proscribed persons” (i.e., parties

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<sup>1</sup> Section 734.7(c) specifically provides that, “[t]he following remains subject to the EAR: ‘software’ or ‘technology’ for the production of a firearm, or firearm frame or receiver, controlled under ECCN 0A501, that is made available by posting on the internet in an electronic format, such as AMF or G-code, and is ready for insertion into a computer numerically controlled machine tool, additive manufacturing equipment, or any other equipment that makes use of the ‘software’ or ‘technology’ to produce the firearm frame or receiver or complete firearm.”

on the Denied Persons List, the Entity List, or those Specially Designated Nationals identified in part 744 of the EAR). Failure to obtain authorization for any export of “software” or “technology” related to ECCN 0A501.a, .b, or .e would be a violation of the EAR.

The controls on the export of the “software” or “technology” described above are equivalent to the export controls under the ITAR, and certain files will require a license before they can be posted online. The unrestricted internet posting of “software” or “technology” that meets the criteria in section 734.7(c) of the EAR would be presumptively a worldwide release—and thus, an “export” under section 734.13 of the EAR—and would violate the EAR if posted without a license. In particular, BIS notes that Defense Distributed will require a license to export any of the files described in Defense Distributed’s Commodity Jurisdiction request submitted to the Department of State that meet the criteria set forth in section 734.7(c) of the EAR.

BIS has posted Exports of Firearms and Related Items Frequently Asked Questions (FAQs) (*see*: <https://www.bis.doc.gov/index.php/documents/policy-guidance/2572-faqs-for-the-commerce-category-i-iii-firearms-rule-posted-on-bis-website-7-7-20/file> ). In particular, FAQs 32-44 specifically address 3D printing of firearms.

In addition to the FAQs, BIS has a number of publicly available export compliance resources (*see*: <https://www.bis.doc.gov/index.php/compliance-a-training/export-management-a-compliance/compliance>) and also offers a variety of export compliance services, including desk audits and review of export control plans, at no cost.

Please do not hesitate to contact BIS if Defense Distributed has any questions about the requirements of the EAR. Our point of contact for EAR compliance issues is Karen Nies-Vogel, Director, Office of Exporter Services. Ms. Nies-Vogel can be reached at (202) 651-0925 or at [Karen.NiesVogel@bis.doc.gov](mailto:Karen.NiesVogel@bis.doc.gov).

Sincerely,

Matthew S. Borman  
Acting Assistant Secretary  
for Export Administration

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