

118TH CONGRESS
1ST SESSION

H. R. 6618

To require the transfer of regulatory control of certain munitions exports from the Department of Commerce to the Department of State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2023

Mr. CASTRO of Texas (for himself, Mrs. TORRES of California, Mr. GOLDMAN of New York, Mrs. CHERFILUS-McCORMICK, Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. MCGOVERN, Mr. CONNOLLY, Ms. WASSERMAN SCHULTZ, Ms. TITUS, Mr. VARGAS, Mr. ESPAILLAT, Mr. GARCÍA of Illinois, Ms. OMAR, Ms. JACOBS, Ms. KAMLAGER-DOVE, and Mr. MAGAZINER) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require the transfer of regulatory control of certain munitions exports from the Department of Commerce to the Department of State, 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 “Americas Regional
5 Monitoring of Arms Sales Act of 2023” or the “ARMAS
6 Act of 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Violence in Mexico, Central America, and
4 the Caribbean is exacerbated by firearms originating
5 in the United States.

6 (2) While firearms are trafficked to Mexico
7 from a variety of countries, firearms originating in
8 the United States account for 70 percent of the fire-
9 arms recovered and traced from crimes in Mexico,
10 according to the 2021 Government Accountability
11 Office (GAO) report published by the Comptroller
12 General of the United States titled “Firearms Traf-
13 ficking: U.S. Efforts to Disrupt Gun Smuggling into
14 Mexico Would Benefit from Additional Data and
15 Analysis”.

16 (3) United States-origin firearm flows con-
17 tribute to human rights violations, organized crime
18 and gang violence, extrajudicial killings, high homi-
19 cide rates, domestic violence, and femicides in Mex-
20 ico, Central America, and the Caribbean.

21 (4) Firearms trafficking from the United States
22 and firearm violence are key drivers of immigration
23 and asylum claims from Central America.

24 (5) According to the United Nations Regional
25 Centre for Peace, Disarmament and Development in
26 Latin America and the Caribbean, firearms are used

1 in 70 percent of homicides in the Caribbean com-
2 pared to 30 percent globally, and while the Carib-
3 bean constitutes less than one percent of the global
4 population, it is responsible for 23 percent of all re-
5 corded homicides.

6 (6) In an August 2022 press conference, United
7 States officials of Homeland Security Investigations
8 reported a “marked uptick in the number of weap-
9 ons”, and an increase in the caliber and type of
10 weapons, being illegally trafficked to Haiti and the
11 rest of the Caribbean.

12 (7) The Caribbean Basin Security Initiative of
13 the Department of State that commenced in 2009 is
14 the regional foreign assistance program of the
15 United States that seeks to reduce illicit trafficking
16 in the Caribbean region and advance public safety
17 and security. The program includes improving the
18 capacity of Caribbean countries to intercept smug-
19 gled weapons at airports and seaports, as well as
20 support for forensic ballistics and firearms destruc-
21 tion and stockpile management. Assistance under
22 the Caribbean Basin Security Initiative has also in-
23 cluded support for regional organizations, includ-
24 ing—

1 (A) the Caribbean Community Implemen-
2 tation Agency for Crime and Security
3 (CARICOM IMPACS), based in Trinidad and
4 Tobago, the lead agency involved in the issue of
5 illicit firearms trafficking and increasing the ca-
6 pacity of member states to detect and prevent
7 firearms trafficking; and

8 (B) the Eastern Caribbean's Regional Se-
9 curity System, based in Barbados.

10 (8) Two GAO reports (published in 2021 and
11 2022, respectively) on firearms trafficking have af-
12 firmed that firearms trafficking to Mexico and Cen-
13 tral America continues to represent a security con-
14 cern to the United States, as United States-origin
15 firearms are diverted from legitimate owners and
16 end up in the hands of violent criminals, including
17 drug traffickers and other transnational criminal or-
18 ganizations. A GAO report on the effect of firearms
19 trafficking in the Caribbean has not yet been com-
20 piled.

21 (9) In these reports, the Comptroller General
22 found that Federal departments and agencies lacked
23 information and analysis of the firearms trafficking
24 networks in Mexico and Central America, that few
25 efforts of the United States Government in the re-

1 gion focused on firearms trafficking, and that, as a
2 result, such agencies lack a detailed understanding
3 of the firearms trafficking that fuels violence and
4 enables criminals in Belize, El Salvador, Guatemala,
5 Honduras, and Mexico.

6 (10) Firearms used to kidnap and kill a group
7 of United States citizens traveling in Matamoros,
8 Mexico were illegally smuggled from the United
9 States into Mexico. The suspect in these killings ad-
10 mitted to federal agents that he purchased firearms
11 in the United States, smuggled them across the bor-
12 der, and knowingly provided them to members of the
13 Gulf Cartel.

14 (11) As the incident specified in paragraph (11)
15 demonstrates, United States-sourced firearms are
16 being smuggled and diverted to cartels implicated in
17 the supply and flow of illegal fentanyl and other
18 dangerous drugs, threatening the public health and
19 safety of United States citizens.

20 (12) In the 2022 GAO report “Firearms Traf-
21 ficking: More Information Needed to Inform U.S.
22 Efforts in Central America”, the Comptroller Gen-
23 eral found that efforts of the United States Govern-
24 ment focused on firearms trafficking in Belize, El
25 Salvador, Guatemala, and Honduras lacked informa-

1 tion about relevant country conditions and perform-
2 ance measures to ensure such efforts were designed
3 and implemented to achieve the intended objectives
4 and, as a result, the Comptroller General rec-
5 ommended that the Secretary of State obtain infor-
6 mation about the conditions in such countries, to
7 support the development of effective programs to re-
8 duce the availability of illicit firearms.

9 (13) Data on firearms trafficking is limited and
10 to understand the problem, data compilation is cru-
11 cial.

12 (14) As of the date of the publication of the re-
13 port specified in paragraph (12), the Secretary of
14 Commerce had not assigned any agents to Central
15 America on permanent assignment.

16 (15) In 2021 and 2022, the annual Country
17 Reports on Human Rights Practices of the Depart-
18 ment of State included “unlawful and arbitrary
19 killings” as a significant human rights issue in Gua-
20 temala, yet despite such inclusion, the Under Sec-
21 retary of Commerce for Industry and Security has
22 authorized approximately 99,270 firearms exports to
23 Guatemala since assuming responsibility for firearms
24 licensing in 2020.

1 (16) When firearms were controlled under the
2 United States Munitions List and the licensing of
3 firearms was the responsibility of the Secretary of
4 State, the average number of firearms licensed for
5 export to Guatemala was approximately 4,000 per
6 year.

7 (17) The current number of exports specified in
8 paragraph (15) represents an extraordinary increase
9 (as much as 25 times the average) from the number
10 specified in paragraph (16), and the Under Sec-
11 retary of Commerce for Industry and Security has
12 only been able to conduct a very limited number of
13 end-use checks, according to the 2022 GAO report
14 “Firearms Trafficking: More Information Needed to
15 Inform U.S. Efforts in Central America”.

16 (18) Since the Department of Commerce gained
17 jurisdiction over the control of firearm export licens-
18 ing, there has been a 30 percent increase in firearm
19 exports in comparison to averages for such exports
20 when the control of such exports was under the ju-
21 risdiction of the Department of State. The Secretary
22 of Commerce has also approved 95 percent of license
23 applications for such exports.

24 (19) According to the U.S. Census Bureau,
25 Mexico, Guatemala, and Brazil have been among the

1 top 10 destinations for United States-manufactured
2 semiautomatic firearm exports.

3 (20) The proposed security cooperation plan ti-
4 tled “U.S.-Mexico Bicentennial Framework for Secu-
5 rity, Public Health, and Safe Communities” and
6 other new initiatives to address root causes of mi-
7 gration from Central America offers an opportunity
8 to reaffirm commitments and strengthen cooperation
9 on addressing firearms trafficking.

10 (21) Recent high-level conversations between
11 the United States and Mexico, including on the bi-
12 centennial framework specified in paragraph (18),
13 have identified opportunities of cooperation on anti-
14 firearm trafficking efforts between the Attorney
15 General, the Secretary of State, the Director of the
16 Executive Office for United States Attorneys, and
17 the Director of the Bureau of Alcohol, Tobacco,
18 Firearms and Explosives.

19 (22) The Bipartisan Safer Communities Act
20 (Public Law 117–159), which was enacted into law
21 on June 25, 2022, implemented key efforts to ad-
22 dress firearm trafficking, including by establishing a
23 Federal criminal offense for firearm trafficking and
24 by strengthening the capability of the Bureau of Al-

1 cohol, Tobacco, Firearms and Explosives to interdict
2 firearms.

3 (23) A growing number of firearms exported by
4 United States manufacturers are found involved in
5 violent crimes worldwide. For instance, the pistol
6 used in a mass shooting of 23 children and two
7 teachers in Thailand in October 2022 was linked to
8 a United States factory.

9 **SEC. 3. TRANSFER OF REGULATORY CONTROL OF CERTAIN**
10 **MUNITIONS EXPORTS FROM DEPARTMENT**
11 **OF COMMERCE TO DEPARTMENT OF STATE.**

12 (a) TRANSFER.—Not later than 1 year after the date
13 of the enactment of this Act—

14 (1) the Secretary of Commerce shall transfer
15 the control over the export of each previously cov-
16 ered item to the jurisdiction of the Department of
17 State; and

18 (2) following such transfer, the Secretary of
19 State may not transfer the control over the export
20 of any covered munition to the jurisdiction of the
21 Department of Commerce.

22 (b) REGULATIONS.—The Secretary of State and the
23 Secretary of Commerce shall prescribe such regulations as
24 may be necessary to implement this section by the date
25 specified in subsection (a).

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed as limiting any authority relating
3 to the designation, control, or removal of items under the
4 United States Munitions List or the Commerce Control
5 List, other than the specific authority to transfer the con-
6 trol of an item as specified in subsection (a).

7 (d) PROHIBITION ON PROMOTION OF CERTAIN MUNI-
8 TIONS EXPORTS BY DEPARTMENT OF COMMERCE.—The
9 Secretary of Commerce may not take any actions to pro-
10 mote the export of any previously covered item, including
11 actions before, on, or after the date on which the Secretary
12 transfers the control over the export of the previously cov-
13 ered item to the jurisdiction of the Department State
14 under subsection (a).

15 **SEC. 4. REPORTS AND STRATEGY ON DISRUPTION OF ILLE-**
16 **GAL EXPORT AND TRAFFICKING OF FIRE-**
17 **ARMS TO MEXICO AND CERTAIN CENTRAL**
18 **AMERICAN AND CARIBBEAN COUNTRIES.**

19 (a) REPORT.—

20 (1) SUBMISSION.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary of State (in consultation with the Secretary of
23 Commerce, the Attorney General, the Director of the
24 Bureau of Alcohol, Tobacco, Firearms and Explo-
25 sives, and the heads of such other Federal depart-

1 ments or agencies as the Secretary of State may de-
2 termine relevant) shall submit to the appropriate
3 congressional committees a report on the efforts of
4 the Secretary of State and the heads of other rel-
5 evant Federal departments and agencies to disrupt
6 the following:

7 (A) The illegal export or diversion of fire-
8 arms from the United States to unauthorized
9 recipients in countries designated as covered
10 countries under section 5 (including through
11 unauthorized third-party transfers).

12 (B) The illegal trafficking of firearms ob-
13 tained in the United States to recipients in such
14 countries.

15 (2) MATTERS.—The report under paragraph
16 (1) shall include, with respect to the efforts specified
17 in such paragraph, the following:

18 (A) An identification of any such efforts,
19 including efforts to accomplish the following ob-
20 jectives:

21 (i) Tracking and verifying information
22 regarding the end-users of firearms so ex-
23 ported, including by entering into data-
24 sharing agreements—

1 (I) with appropriate counterparts
2 from the governments of such covered
3 countries; and

4 (II) between the relevant depart-
5 ments and agencies of the United
6 States Government.

7 (ii) Ensuring the destruction of sur-
8 plus firearms so exported.

9 (iii) Ensuring that firearms so ex-
10 ported are not used to commit extrajudicial
11 killings or other gross violations of inter-
12 nationally recognized human rights.

13 (iv) Building the capacity of such cov-
14 ered countries to prevent the trafficking of
15 firearms so exported, including through
16 current programs supported or imple-
17 mented by the United States Government.

18 (v) Tracking and verifying informa-
19 tion regarding the end-users of firearms
20 obtained in the United States and illegally
21 trafficked to such covered countries.

22 (vi) Combating all forms of cross-bor-
23 der smuggling of firearms from the United
24 States, including via maritime vessels and
25 aircraft.

1 (vii) Engaging with subnational gov-
2 ernment officials in such covered countries
3 to effectively implement and enforce agree-
4 ments relating to the trafficking of fire-
5 arms that have been concluded between the
6 United States Government and the na-
7 tional government of the respective covered
8 country.

9 (viii) Identifying the origin of traf-
10 ficked firearms, including through the se-
11 rial numbers of trafficked firearms, and
12 sharing such information with relevant law
13 enforcement agencies of—

14 (I) the United States;

15 (II) the respective covered coun-
16 try; and

17 (III) any other country deter-
18 mined relevant for purposes of such
19 information sharing.

20 (ix) Implementing the proposed secu-
21 rity cooperation plan titled “U.S.-Mexico
22 Bicentennial Framework for Security, Pub-
23 lic Health, and Safe Communities”, and
24 any successor or subsequent bilateral
25 agreements on combating firearm traf-

1 trafficking, transnational organizations, or
2 fentanyl.

3 (x) Cooperating with other relevant
4 Federal departments and agencies, includ-
5 ing the Attorney General, the Secretary of
6 Homeland Security, and the Director of
7 the Bureau of Alcohol, Tobacco, Firearms,
8 and Explosives, to combat firearms traf-
9 ficking and prosecute illegal firearm smug-
10 glers.

11 (B) An assessment of the results of the ef-
12 forts identified pursuant to subparagraph (A).

13 (C) A description of how homicides,
14 extrajudicial killings, and other gross violations
15 of internationally recognized human rights com-
16 mitted in such covered countries using firearms
17 exported from or obtained in the United States
18 have been investigated.

19 (b) INTER-AGENCY STRATEGY.—

20 (1) IN GENERAL.—The Secretary of State, in
21 consultation with the Secretary of Commerce, taking
22 into account the findings of the report under sub-
23 section (a), shall jointly develop an inter-agency
24 strategy for the disruption of the trafficking of fire-
25 arms exported from the United States to recipients

1 in countries designated as covered countries under
2 section 5.

3 (2) ELEMENTS.—The strategy under paragraph
4 (1) shall include the following:

5 (A) A plan for the United States to accom-
6 plish each of the objectives specified in sub-
7 section (a)(2)(A).

8 (B) An identification of specific perform-
9 ance measures, targets (including the baselines
10 for such targets), and timelines with respect to
11 such objectives.

12 (C) An estimate of the resources and per-
13 sonnel necessary to carry out the strategy.

14 (D) A plan for cooperation between the
15 Secretary of State, the Secretary of Commerce,
16 and the heads of any other Federal depart-
17 ments or agencies involved in anti-firearm traf-
18 ficking efforts, including the Attorney General,
19 the Secretary of Homeland Security, and the
20 Director of the Bureau of Alcohol, Tobacco,
21 Firearms, and Explosives.

22 (E) A plan for coordination between the
23 Secretary of State, the Secretary of Commerce,
24 and such heads regarding efforts in countries
25 designated as covered countries under section 5

1 to combat the trafficking of United States-
2 sourced firearms—

3 (i) from the United States to such
4 designated countries; and

5 (ii) from such designated countries to
6 other countries in the surrounding region.

7 (3) REQUIRED CONSIDERATIONS; CONSULTA-
8 TIONS.—In developing the strategy under paragraph
9 (1), the Secretary of State shall—

10 (A) consider how the strategy may support
11 or otherwise align with broader efforts of the
12 Secretary of State relating to security assist-
13 ance, anti-corruption, and the prevention of or-
14 ganized crime and drug and gang violence;

15 (B) consider whether the placement in the
16 Western Hemisphere of an export control offi-
17 cer of the Bureau of Industry and Security of
18 the Department of Commerce, or other per-
19 sonnel of the Department of Commerce or the
20 Department of State, would support the strat-
21 egy; and

22 (C) seek to consult with appropriate coun-
23 terparts from the government of each country
24 designated as a covered country under section
25 5.

1 (4) SUBMISSION TO CONGRESS.—Not later than
2 January 1 of the year following the date of the en-
3 actment of this Act, the Secretary of State shall sub-
4 mit to the appropriate congressional committees the
5 strategy under paragraph (1).

6 (c) IMPROVED TRACKING OF TRAFFICKED FIRE-
7 ARMS.—

8 (1) ASSESSMENT OF DATA AVAILABILITY.—Not
9 later than 180 days after the date on which a coun-
10 try is designated (or the deemed to be designated,
11 as the case may be), under section 5, the Secretary
12 of State, in consultation with the Secretary of Com-
13 merce, the Attorney General, the Director of the Bu-
14 reau of Alcohol, Tobacco, Firearms and Explosives,
15 and the heads of such other Federal departments or
16 agencies as the Secretary of State may determine
17 relevant, shall conduct and submit to the Committee
18 on Foreign Affairs of the House of Representatives
19 and the Committee on Foreign Relations of the Sen-
20 ate an assessment of the extent to which the law en-
21 forcement agencies of that designated country make
22 available to the United States Government forensic
23 information of trafficked firearms.

24 (2) ADDRESSING GAPS IN DATA.—For the dura-
25 tion of the period during which a country is des-

1 ignated as a covered country under section 5, the
2 Secretary of State shall—

3 (A) seek to engage with the foreign coun-
4 terparts of the government of such country to
5 improve the collection and sharing of the foren-
6 sic information of trafficked firearms con-
7 fiscated by the law enforcement agencies of
8 such country; and

9 (B) promptly provide any such forensic in-
10 formation shared pursuant to subparagraph (A)
11 to the relevant Federal, State, and local law en-
12 forcement agencies for purposes of use in crimi-
13 nal or civil investigations into violations of rel-
14 evant United States Federal laws, including the
15 Arms Export Control Act.

16 (3) FORENSIC INFORMATION DEFINED.—In this
17 subsection, the term “forensic information”, with re-
18 spect to a trafficked firearm, includes—

19 (A) the serial number of the firearm; and

20 (B) any other information that may be
21 used to identify the origin of the firearm or any
22 person or organization involved in the traf-
23 ficking of the firearm.

24 (d) ANNUAL REPORT.—

1 (1) SUBMISSION.—Not later than one year after
2 the date of the enactment of this Act, and annually
3 thereafter, the Secretary or Secretaries concerned
4 (in consultation with the heads of such other Fed-
5 eral departments or agencies as the Secretary or
6 Secretaries concerned may determine relevant) shall
7 submit to the appropriate congressional committees
8 a report on the export of covered munitions to coun-
9 tries designated as covered countries under section
10 5.

11 (2) MATTERS.—Each report under paragraph
12 (1) shall include, with respect to the year for which
13 the report is submitted, the following information
14 (disaggregated by country):

15 (A) Information regarding license applica-
16 tions approved or denied, and previously issued
17 licenses modified or revoked, for the export of
18 covered munitions to proposed recipients in cov-
19 ered countries.

20 (B) Information regarding how evolving
21 country contexts, including with respect to de-
22 velopments in human rights, affected the ap-
23 proval of license applications for such exports.

1 (C) The number of licenses issued for the
2 export of covered munitions to proposed recipi-
3 ents in covered countries.

4 (D) The number of covered munitions ex-
5 ported to recipients in covered countries.

6 (E) With respect to end-user checks for
7 covered munitions exported to recipients in cov-
8 ered countries under section 38(g)(7) of the
9 Arms Export Control Act (22 U.S.C.
10 2778(g)(7)) (commonly referred to as the “Blue
11 Lantern” program), the monitoring program es-
12 tablished under the second section 40A of the
13 Arms Export Control Act (22 U.S.C. 2785) (as
14 added by section 150(a) of Public Law 104–
15 164), or other applicable programs of the De-
16 partment of Commerce or Department of State,
17 the following information:

18 (i) The number of such end-user
19 checks requested.

20 (ii) The number of such end-user
21 checks conducted.

22 (iii) The type of such end-user checks
23 conducted.

24 (iv) The results of such end-user
25 checks conducted.

1 (F) Information on the extent to which the
2 heads of the governments of covered countries
3 shared with the Secretary or Secretaries con-
4 cerned and the heads of other relevant Federal
5 departments and agencies (such as the Bureau
6 of Alcohol, Tobacco, Firearms and Explosives)
7 data relating to the receipt and end-use of cov-
8 ered munitions exported from the United
9 States, and the type of data so shared.

10 (G) For each covered country, a descrip-
11 tion of the United States funding and resources
12 allocated for the purpose of disrupting traf-
13 ficking of covered munitions.

14 (3) SECRETARY OR SECRETARIES CONCERNED
15 DEFINED.—In this subsection, the term “Secretary
16 or Secretaries concerned” means—

17 (A) if a single Federal department or
18 agency has jurisdiction over the export control
19 of covered munitions, the Secretary of that
20 Federal department or agency; or

21 (B) if multiple Federal departments or
22 agencies have jurisdiction over the export con-
23 trol of covered munitions, each Secretary of
24 such a Federal department or agency.

1 **SEC. 5. DESIGNATION OF COVERED COUNTRIES.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of State
4 shall designate each country that the Secretary determines
5 meets the requirements under subsection (b) as a covered
6 country for purposes of this Act.

7 (b) REQUIREMENTS.—A country meets the require-
8 ments under this subsection if the country—

9 (1) is located in North America, South Amer-
10 ica, or the Caribbean;

11 (2) is not a member state of the North Atlantic
12 Treaty Organization; and

13 (3) meets such other requirements as the Sec-
14 retary may determine appropriate.

15 (c) INITIAL DESIGNATIONS.—The Bahamas, Belize,
16 Brazil, Colombia, El Salvador, Guatemala, Honduras,
17 Mexico, Haiti, Jamaica, and Trinidad and Tobago—

18 (1) shall be deemed to have been so designated
19 by the Secretary of State as of the date of the enact-
20 ment of this Act; and

21 (2) shall continue to be deemed so designated
22 for a five-year period, during which time the des-
23 igation may not be terminated under subsection
24 (d).

25 (d) TERMINATION OF DESIGNATION.—Subject to
26 subsection (c)(2), the Secretary of State may terminate

1 the designation of a country under this section only if,
2 at least 180 days prior to such termination, the Secretary
3 submits to the appropriate congressional committees a no-
4 tification of such termination.

5 **SEC. 6. CERTIFICATION REQUIREMENTS RELATING TO**
6 **CERTAIN MUNITIONS EXPORTS.**

7 (a) INITIAL CERTIFICATION; PROHIBITION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), no covered munition may be transferred
10 to the government of a country designated as a cov-
11 ered country under section 5, or any other organiza-
12 tion, citizen, or resident of such covered country,
13 until the Secretary of State submits to the appro-
14 priate congressional committees a certification that
15 the program required under subsection (c) has been
16 established.

17 (2) WAIVER.—For the one-year period begin-
18 ning on the effective date of this section described
19 in subsection (d), the Secretary of State may waive
20 the certification requirement under paragraph (1)
21 with respect to the transfer of a covered munition to
22 the government of a country described in paragraph
23 (1) if the Secretary certifies to the appropriate con-
24 gressional committees that such waiver is in the na-

1 tional security interest of the United States and in-
2 cludes a written justification with the certification.

3 (b) REVIEW AND RECERTIFICATION.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of the submission of the certification under
6 subsection (a) for a country designated as a covered
7 country under section 5, and annually thereafter
8 until such time as the designation is terminated, the
9 Secretary of State shall review, and submit to the
10 appropriate congressional committees a recertifi-
11 cation of, such certification.

12 (2) PROHIBITION.—If the Secretary of State is
13 unable to recertify a covered country as required
14 under paragraph (1), no covered munition may be
15 transferred to the government of the covered coun-
16 try, or any other organization, citizen, or resident of
17 such covered country, until the date on which the
18 Secretary is able to so recertify.

19 (c) PROGRAM.—

20 (1) ESTABLISHMENT.—The Secretary of State
21 shall establish and carry out a program under which
22 the Secretary shall prohibit the retransfer of covered
23 munitions transferred to countries designated as
24 covered countries under section 5 without the con-
25 sent of the United States and provide for the reg-

1 istration and end-use monitoring of such covered
2 munitions in accordance with the following require-
3 ments:

4 (A) The maintenance of a detailed record
5 of the origin, shipping, and distribution of cov-
6 ered munitions transferred to countries des-
7 ignated as covered countries under section 5.

8 (B) The registration of the serial numbers
9 of all covered munitions, to be provided to the
10 governments of such covered countries and
11 other organizations, citizens, and residents
12 within such covered countries.

13 (C) The conduct of a program for the end-
14 use monitoring of covered munitions transferred
15 to the entities and individuals described in sub-
16 paragraph (B).

17 (2) REVIEW OF DATABASE.—In prohibiting the
18 retransfer of covered munitions without the consent
19 of the United States pursuant to the program under
20 paragraph (1), the Secretary of State, in consulta-
21 tion with the Secretary of Commerce, shall—

22 (A) review the database of the Department
23 of State that stores records relating to vetting
24 conducted pursuant to section 620M of the
25 Foreign Assistance Act of 1961 (22 U.S.C.

1 2378d) or section 362 of title 10, United States
2 Code, known as the “International Vetting and
3 Security Tracking-cloud system” or “INVEST
4 system” (or any successor database), for any
5 such records relating to the prospective recipi-
6 ents of such retransfer; and

7 (B) ensure that such consent is not grant-
8 ed for any such prospective recipient who the
9 Secretary of State determines, taking into ac-
10 count the review under subparagraph (A), is
11 credibly implicated in a gross violation of inter-
12 nationally recognized human rights.

13 (3) DATA STORAGE AND SHARING.—In carrying
14 out the program under paragraph (1), the Secretary
15 of State shall—

16 (A) ensure that any data received pursuant
17 to such program is stored and maintained in a
18 database of the Department of State; and

19 (B) to the extent practicable, provide for
20 the sharing of such data with the Secretary of
21 Commerce and the heads of such other Federal
22 departments or agencies as the Secretary of
23 State may determine relevant.

24 (d) EFFECTIVE DATE.—This section shall take effect
25 on the date that is 1 year after the date on which the

1 Secretary of Commerce completes the transfer of the con-
2 trol over the export of previously covered items to the ju-
3 risdiction of the Department of State under section 3(a).

4 **SEC. 7. LIMITATION ON LICENSES AND OTHER AUTHORIZA-**
5 **TIONS FOR EXPORT OF CERTAIN ITEMS RE-**
6 **MOVED FROM THE COMMERCE CONTROL**
7 **LIST AND INCLUDED ON THE UNITED STATES**
8 **MUNITIONS LIST.**

9 (a) IN GENERAL.—The Secretary of State may not
10 grant a license or other authorization for the export of
11 a previously covered item the control over the export of
12 which the Secretary of Commerce has transferred to the
13 jurisdiction of the Department of State under section 3(a)
14 unless, before granting the license or other authorization,
15 the Secretary submits to the chairman and ranking mem-
16 ber of the Committee on Foreign Affairs of the House of
17 Representatives and the chairman and ranking member of
18 the Committee on Foreign Affairs of the Senate a written
19 certification with respect to such proposed export license
20 or other authorization containing—

21 (1) the name of the person applying for the li-
22 cense or other authorization;

23 (2) the name of the person who is the proposed
24 recipient of the export;

1 (3) the name of the country or international or-
2 ganization to which the export will be made;

3 (4) a description of the items proposed to be ex-
4 ported; and

5 (5) the value of the items proposed to be ex-
6 ported.

7 (b) FORM.—A certification required under subsection
8 (a) shall be submitted in unclassified form, except that
9 information regarding the dollar value and number of
10 items proposed to be exported may be restricted from pub-
11 lic disclosure if such disclosure would be detrimental to
12 the security of the United States.

13 (c) DEADLINES.—A certification required under sub-
14 section (a) shall be submitted—

15 (1) at least 15 calendar days before a proposed
16 export license or other authorization is granted in
17 the case of a transfer of items to a country which
18 is a member of the North Atlantic Treaty Organiza-
19 tion or Australia, Japan, the Republic of Korea,
20 Israel, or New Zealand, and

21 (2) at least 30 calendar days before a proposed
22 export license or other authorization is granted in
23 the case of a transfer of items to any other country.

24 (d) CONGRESSIONAL RESOLUTION OF DIS-
25 APPROVAL.—A proposed export license or other authoriza-

1 tion described in paragraph (1) of subsection (c) shall be-
2 come effective after the end of the 15-day period described
3 in such paragraph, and a proposed export license or other
4 authorization described in paragraph (2) of subsection (c)
5 shall become effective after the end of the 30-day period
6 specified in such paragraph, only if the Congress does not
7 enact, within the applicable time period, a joint resolution
8 prohibiting the export of the covered item for which the
9 export license or other authorization was proposed.

10 **SEC. 8. DEFINITIONS.**

11 In this Act:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Affairs of
16 the House of Representatives; and

17 (B) the Committee on Foreign Relations
18 and the Committee on Banking, Housing, and
19 Urban Affairs of the Senate.

20 (2) **COVERED MUNITION.**—The term “covered
21 munition” means the following:

22 (A) Any previously covered item.

23 (B) Any item that, following the date of
24 the enactment of this Act, is designated for
25 control under Category I, II, or III of the

1 United States Munitions List pursuant to sec-
2 tion 38 of the Arms Export Control Act (22
3 U.S.C. 2778) or otherwise subject to control
4 under any such category.

5 (3) PREVIOUSLY COVERED ITEM.—The term
6 “previously covered item” means any item that—

7 (A) as of March 8, 2020, was included in
8 Category I, II, or III of the United States Mu-
9 nitions List; and

10 (B) as of the date of the enactment of this
11 Act, is included on the Commerce Control List.

12 (4) FIREARM.—The term “firearm” includes
13 covered munitions.

14 (5) GROSS VIOLATIONS OF INTERNATIONALLY
15 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
16 lations of internationally recognized human rights”
17 has the meaning given that term in section 502B(d)
18 of the Foreign Assistance Act of 1961 (22 U.S.C.
19 2304(d)).

20 (6) SECURITY ASSISTANCE.—The term “secu-
21 rity assistance” includes—

22 (A) the types of assistance specified in sec-
23 tion 502B(d)(2) of the Foreign Assistance Act
24 of 1961 (22 U.S.C. 2304); and

1 (B) assistance furnished under an inter-
2 national security assistance program of the
3 United States conducted under any other provi-
4 sion of law, including under the authorities
5 under chapter 16 of title 10, United States
6 Code.

7 (7) UNITED STATES MUNITIONS LIST.—The
8 term “United States Munitions List” means the list
9 maintained pursuant to part 121 of title 22, Code
10 of Federal Regulations.

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