

118TH CONGRESS
2D SESSION

S. 4647

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 SENATE OF THE UNITED STATES

JULY 9, 2024

Mr. CARDIN (for himself, Mr. KAINE, Mr. MURPHY, Mr. DURBIN, Ms. WARREN, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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 TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Americas Regional Monitoring of Arms Sales Act of
6 2024” or the “ARMAS Act of 2024”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short titles; table of contents.

- Sec. 2. Findings.
 Sec. 3. Definitions.
 Sec. 4. Transfer of regulatory control of certain munitions exports from Department of Commerce to Department of State.
 Sec. 5. Reports and strategy on disruption of illegal export and trafficking of firearms to Mexico and certain Central American, Caribbean, and South American countries.
 Sec. 6. Designation of covered countries.
 Sec. 7. Certification requirements relating to certain munitions exports.
 Sec. 8. Limitation on licenses and other authorizations for export of certain items removed from the Commerce Control List and included on the United States Munitions List.

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 (referred to in this section as “GAO”) report
 12 published by the Comptroller General of the United
 13 States titled “Firearms Trafficking: U.S. Efforts to
 14 Disrupt Gun Smuggling into Mexico Would Benefit
 15 from Additional Data and 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.

1 (4) Firearms trafficking from the United States
2 and firearm violence are key drivers of immigration
3 and asylum claims from Central America.

4 (5) According to the United Nations Regional
5 Centre for Peace, Disarmament and Development in
6 Latin America and the Caribbean, firearms are used
7 in 70 percent of homicides in the Caribbean com-
8 pared to 30 percent globally, and while the Carib-
9 bean constitutes less than 1 percent of the global
10 population, 23 percent of all recorded homicides
11 worldwide take place in the Caribbean.

12 (6) In an August 2022 press conference, Home-
13 land Security Investigations officials reported a
14 “marked uptick in the number of weapons”, and an
15 increase in the caliber and type of weapons, being il-
16 legally trafficked to Haiti and the rest of the Carib-
17 bean.

18 (7) The Caribbean Basin Security Initiative of
19 the Department of State, which commenced in
20 2009—

21 (A) is the regional foreign assistance pro-
22 gram of the United States that seeks to reduce
23 illicit trafficking in the Caribbean region and
24 advance public safety and security;

1 (B) seeks to improve the capacity of Carib-
2 bean countries to intercept smuggled weapons
3 at airports and seaports;

4 (C) provides support for forensic ballistics
5 and firearms destruction and stockpile manage-
6 ment; and

7 (D) has also included support for regional
8 organizations, including—

9 (i) the Caribbean Community Imple-
10 mentation Agency for Crime and Security
11 (CARICOM IMPACS), which based in
12 Trinidad and Tobago, and is the lead
13 agency involved in the issue of illicit fire-
14 arms trafficking and increasing the capac-
15 ity of member states to detect and prevent
16 firearms trafficking; and

17 (ii) the Eastern Caribbean's Regional
18 Security System, which is based in Bar-
19 bados.

20 (8) The Central America Regional Security Ini-
21 tiative of the Department of State has been working
22 since 2010 to promote long-term investments in
23 Central America—

24 (A) to increase citizen security;

25 (B) to disrupt illicit trafficking; and

1 (C) to enhance the capacity and account-
2 ability of governments in the region to establish
3 effective state-presence and security in violent
4 communities.

5 (9) Two GAO reports on firearms trafficking,
6 which were published in 2021 and 2022, respec-
7 tively, have affirmed that firearms trafficking to
8 Mexico and Central America continues to represent
9 a security concern to the United States, as United
10 States-origin firearms are diverted from legitimate
11 owners and end up in the hands of violent criminals,
12 including drug traffickers and other transnational
13 criminal organizations. A GAO report on the effect
14 of firearms trafficking in the Caribbean has not yet
15 been compiled.

16 (10) In the reports referred to in paragraph
17 (9), the Comptroller General of the United States
18 found that—

19 (A) Federal departments and agencies
20 lacked information and analysis of the firearms
21 trafficking networks in Mexico and Central
22 America;

23 (B) few efforts by the United States Gov-
24 ernment in the region focused on firearms traf-
25 ficking; and

1 (C) as a result, Federal departments and
2 agencies lack a detailed understanding of the
3 firearms trafficking that fuels violence and en-
4 ables criminals in Belize, El Salvador, Guate-
5 mala, Honduras, and Mexico.

6 (11) 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 (12) As the incident described in paragraph
15 (11) demonstrates, United States-sourced firearms
16 are being smuggled and diverted to cartels impli-
17 cated in the supply and flow of illegal fentanyl and
18 other dangerous drugs, which threatens the public
19 health and safety of United States citizens.

20 (13) 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 of the United States reported that efforts of the
24 United States Government focused on firearms traf-
25 ficking in Belize, El Salvador, Guatemala, and Hon-

1 duras lacked information about relevant country
2 conditions and performance measures to ensure such
3 efforts were designed and implemented to achieve
4 the intended objectives and, as a result, the Comp-
5 troller General recommended that the Secretary of
6 State obtain information about the conditions in
7 such countries to support the development of effec-
8 tive programs to reduce the availability of illicit fire-
9 arms.

10 (14) Data on firearms trafficking is limited.
11 Data compilation is crucial to understanding the
12 problem.

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

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

1 (17) 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 (18) The number of exports specified in para-
8 graph (16) represents an extraordinary increase
9 from the number specified in paragraph (17). The
10 Under Secretary of Commerce for Industry and Se-
11 curity has only been able to conduct a very limited
12 number of end-use checks, according to the 2022
13 GAO report “Firearms Trafficking: More Informa-
14 tion Needed to Inform U.S. Efforts in Central
15 America”.

16 (19) Since the Department of Commerce gained
17 jurisdiction over the control of firearm export licens-
18 ing—

19 (A) there has been a 42 percent increase
20 in firearm exports compared to averages for
21 such exports when the control of such exports
22 was under the jurisdiction of the Department of
23 State;

1 (B) the total value of export licenses ap-
2 proved annually has increased by an estimated
3 \$4,450,000,000; and

4 (C) the Secretary of Commerce has also
5 approved 95 percent of license applications for
6 such exports.

7 (20) According to the Census Bureau, Mexico,
8 Guatemala, and Brazil have been among the top 10
9 destinations for United States-manufactured semi-
10 automatic firearm exports.

11 (21) The 2021 security cooperation plan, titled
12 “U.S.-Mexico Bicentennial Framework for Security,
13 Public Health, and Safe Communities”, explicitly
14 identifies reducing illicit arms trafficking as a “Co-
15 operation Area” with specific objectives—

16 (A) to increase efforts to reduce the illicit
17 trafficking of firearms, ammunition, and explo-
18 sive devices;

19 (B) to increase bilateral information shar-
20 ing on illicit firearms trafficking; and

21 (C) to increase investigative and prosecu-
22 torial capacity to address illicit firearms traf-
23 ficking.

1 (22) As of March 2023, during the second
2 phase of the Bicentennial Framework referred to in
3 paragraph (21)—

4 (A) the United States and Mexico were fo-
5 cusing specifically on stemming firearms traf-
6 ficking to Mexico; and

7 (B) the Department of Justice’s Operation
8 Southbound had deployed 9 interagency Fire-
9 arms Trafficking Task Forces to 8 cities along
10 the southwest border to focus on such firearms
11 trafficking, which resulted in the seizure of
12 nearly 2,000 firearms during the first 6 months
13 of fiscal year 2023, and represents a 65.8 per-
14 cent increase in firearms seizures compared to
15 the same period during fiscal year 2022.

16 (23) Homeland Security Investigations has re-
17 ported a surge in firearms trafficking from the
18 United States to Haiti since 2021, and the recovery
19 of increasingly sophisticated arms destined for ports
20 in Haiti, including—

21 (A) .50 caliber sniper rifles;

22 (B) .308 caliber rifles; and

23 (C) belt-fed machine guns.

24 (24) The 2023 Assessment by the United Na-
25 tions Office on Drugs and Crime, titled “Haiti’s

1 Criminal Markets: Mapping Trends in Firearms and
2 Drug Trafficking”, outlines the use of increasingly
3 sophisticated methods, including a 2022 seizure of
4 containers filled with semi-automatic weapons and
5 handguns addressed to the Episcopal Church and la-
6 beled as relief supplies.

7 (25) The Bipartisan Safer Communities Act
8 (Public Law 117–159), which was enacted into law
9 on June 25, 2022, implemented key efforts to ad-
10 dress firearm trafficking, including—

11 (A) establishing a Federal criminal offense
12 for firearm trafficking; and

13 (B) strengthening the capability of the Bu-
14 reau of Alcohol, Tobacco, Firearms and Explo-
15 sives to interdict firearms.

16 (26) A growing number of firearms exported by
17 United States manufacturers are found involved in
18 violent crimes worldwide, including the pistol used in
19 a mass shooting of 23 children and two teachers in
20 Thailand in October 2022, which was linked to a
21 United States factory.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations of
5 the Senate;

6 (B) the Committee on Commerce, Science,
7 and Transportation of the Senate;

8 (C) the Committee on Foreign Affairs of
9 the House of Representatives; and

10 (D) the Committee on Energy and Com-
11 merce of the House of Representatives.

12 (2) COVERED COUNTRY.—The term “covered
13 country” means any country designated by the Sec-
14 retary of State pursuant to section 6 as a covered
15 country.

16 (3) COVERED MUNITION.—The term “covered
17 munition” means—

18 (A) any previously covered item; or

19 (B) any item that, on or after the date of
20 the enactment of this Act, is designated for
21 control under Category I, II, or III of the
22 United States Munitions List pursuant to sec-
23 tion 38 of the Arms Export Control Act (22
24 U.S.C. 2778) or otherwise subject to control
25 under any such category.

1 (4) FIREARM.—The term “firearm” includes
2 covered munitions.

3 (5) GROSS VIOLATIONS OF INTERNATIONALLY
4 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
5 lations of internationally recognized human rights”
6 has the meaning given such term in section
7 502B(d)(1) of the Foreign Assistance Act of 1961
8 (22 U.S.C. 2304(d)(1)).

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

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

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

16 (7) SECURITY ASSISTANCE.—The term “secu-
17 rity assistance” includes—

18 (A) any type of assistance specified in sec-
19 tion 502B(d)(2) of the Foreign Assistance Act
20 of 1961 (22 U.S.C. 2304); and

21 (B) assistance furnished under an inter-
22 national security assistance program of the
23 United States conducted under any other provi-
24 sion of law, including the authorities under
25 chapter 16 of title 10, United States Code.

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

5 **SEC. 4. TRANSFER OF REGULATORY CONTROL OF CERTAIN**
6 **MUNITIONS EXPORTS FROM DEPARTMENT**
7 **OF COMMERCE TO DEPARTMENT OF STATE.**

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

10 (1) the Secretary of Commerce shall transfer
11 the control over the export of each previously cov-
12 ered item to the jurisdiction of the Department of
13 State; and

14 (2) following such transfer, control over the ex-
15 port of any covered munition may not be transferred
16 to the jurisdiction of the Department of Commerce.

17 (b) RULEMAKING.—The Secretary of State and the
18 Secretary of Commerce shall prescribe such regulations as
19 may be necessary to implement this section by the date
20 specified in subsection (a).

21 (c) PROHIBITION ON PROMOTION OF CERTAIN MUNI-
22 TIONS EXPORTS BY DEPARTMENT OF COMMERCE.—The
23 Secretary of Commerce may not take any actions to pro-
24 mote the export of any previously covered item, including
25 actions before, on, or after the date on which the Secretary

1 transfers the control over the export of the previously cov-
2 ered item to the jurisdiction of the Department State
3 under subsection (a).

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

10 **SEC. 5. REPORTS AND STRATEGY ON DISRUPTION OF ILLE-**
11 **GAL EXPORT AND TRAFFICKING OF FIRE-**
12 **ARMS TO MEXICO AND CERTAIN CENTRAL**
13 **AMERICAN, CARIBBEAN, AND SOUTH AMER-**
14 **ICAN COUNTRIES.**

15 (a) **REPORT.**—

16 (1) **SUBMISSION.**—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary of State, in consultation with the Secretary of
19 Commerce, the Attorney General, the Director of the
20 Bureau of Alcohol, Tobacco, Firearms and Explo-
21 sives, and the heads of such other Federal depart-
22 ments or agencies as the Secretary of State may de-
23 termine relevant, shall submit a report to the appro-
24 priate congressional committees that describes the
25 efforts of the Secretary of State and the heads of

1 other relevant Federal departments and agencies to
2 disrupt—

3 (A) the illegal export or diversion of fire-
4 arms from the United States to unauthorized
5 recipients in covered countries, including
6 through unauthorized third-party transfers; and

7 (B) the illegal trafficking of firearms ob-
8 tained in the United States to recipients in such
9 countries.

10 (2) MATTERS.—The report required under
11 paragraph (1) shall include, with respect to the ef-
12 forts specified in such paragraph—

13 (A) the identification of any such efforts,
14 including efforts—

15 (i) to track and verify information re-
16 garding the end-users of firearms so ex-
17 ported, including by entering into data-
18 sharing agreements—

19 (I) with appropriate counterparts
20 from the governments of such covered
21 countries; and

22 (II) between the relevant depart-
23 ments and agencies of the United
24 States Government;

1 (ii) to ensure the destruction of sur-
2 plus firearms so exported;

3 (iii) to ensure that firearms so ex-
4 ported are not used to commit extrajudicial
5 killings or other gross violations of inter-
6 nationally recognized human rights;

7 (iv) to build the capacity of such cov-
8 ered countries to prevent the trafficking of
9 firearms so exported, including through
10 current programs supported or imple-
11 mented by the United States Government;

12 (v) to track and verify information re-
13 garding the end-users of firearms obtained
14 in the United States and illegally traf-
15 ficked to such covered countries;

16 (vi) to combat all forms of cross-bor-
17 der smuggling of firearms from the United
18 States, including via maritime vessels and
19 aircraft;

20 (vii) to engage with subnational gov-
21 ernment officials in such covered countries
22 to effectively implement and enforce agree-
23 ments relating to the trafficking of fire-
24 arms that have been concluded between the
25 United States Government and the na-

1 tional government of the respective covered
2 country;

3 (viii) to identify the origin of traf-
4 ficked firearms, including through the se-
5 rial numbers of trafficked firearms, and
6 sharing such information with relevant law
7 enforcement agencies of—

8 (I) the United States;

9 (II) the respective covered coun-
10 try; and

11 (III) any other country deter-
12 mined relevant for purposes of such
13 information sharing;

14 (ix) to implement—

15 (I) the “U.S.-Mexico Bicenten-
16 nial Framework for Security, Public
17 Heath, and Safe Communities”;

18 (II) any successor or subsequent
19 bilateral agreements with Mexico; or

20 (III) similar bilateral agreements
21 with any other covered country on
22 combating firearm trafficking,
23 transnational organizations, or
24 fentanyl;

1 (x) to implement the recommendations
2 made in—

3 (I) the 2021 GAO report titled
4 “Firearms Trafficking: U.S. Efforts
5 to Disrupt Gun Smuggling into Mex-
6 ico Would Benefit from Additional
7 Data and Analysis”;

8 (II) the 2022 GAO report titled
9 “Firearms Trafficking: More Informa-
10 tion Needed to Inform U.S. Efforts in
11 Central America”; and

12 (III) the forthcoming GAO report
13 that focuses on a similar topic for the
14 Caribbean; and

15 (xi) to enhance cooperation among rel-
16 evant Federal departments and agencies to
17 combat firearms trafficking and prosecute
18 illegal firearm smugglers;

19 (B) an assessment of the results of the ef-
20 forts described in subparagraph (A);

21 (C) an assessment of the impact that the
22 March 2020 decision to transfer jurisdiction
23 over the export of semiautomatic weapons, in-
24 cluding assault-style rifles and sniper rifles,
25 from the Department of State to the Depart-

1 ment of Commerce has had on the number of
2 and types of firearms manufactured in the
3 United States being sent to covered countries;
4 and

5 (D) a description of how homicides,
6 extrajudicial killings, and other gross violations
7 of internationally recognized human rights com-
8 mitted in such covered countries using firearms
9 exported from or obtained in the United States
10 have been investigated.

11 (b) INTERAGENCY STRATEGY.—

12 (1) IN GENERAL.—The Secretary of State, in
13 consultation with the Secretary of Commerce, taking
14 into account the findings of the report required
15 under subsection (a), shall jointly develop an inter-
16 agency strategy for the disruption of the trafficking
17 of firearms exported from the United States to re-
18 cipients in covered countries.

19 (2) ELEMENTS.—The strategy under paragraph
20 (1) shall include—

21 (A) a plan for the United States to accom-
22 plish each of the objectives specified in sub-
23 section (a)(2)(A);

24 (B) the identification of specific perform-
25 ance measures, targets (including the baselines

1 for such targets), and timelines with respect to
2 such objectives;

3 (C) an estimate of the resources and per-
4 sonnel necessary to carry out the strategy;

5 (D) a plan for cooperation between the
6 Secretary of State, the Secretary of Commerce,
7 and the heads of any other Federal depart-
8 ments or agencies involved in anti-firearm traf-
9 ficking efforts, including the Attorney General,
10 the Secretary of Homeland Security, and the
11 Director of the Bureau of Alcohol, Tobacco,
12 Firearms and Explosives; and

13 (E) a plan for coordination between the
14 Secretary of State, the Secretary of Commerce,
15 and such heads regarding efforts in countries
16 designated as covered countries under section 5
17 to combat the trafficking of United States-
18 sourced firearms—

19 (i) from the United States to such
20 designated countries; and

21 (ii) from such designated countries to
22 other countries in the surrounding region.

23 (3) REQUIRED CONSIDERATIONS; CONSULTA-
24 TIONS.—In developing the strategy required under
25 paragraph (1), the Secretary of State shall—

1 (A) consider how the strategy may support
2 or otherwise align with broader efforts of the
3 Secretary of State relating to security assist-
4 ance, anti-corruption, and the prevention of or-
5 ganized crime and drug and gang violence;

6 (B) consider whether the placement in the
7 Western Hemisphere of an export control offi-
8 cer of the Bureau of Industry and Security of
9 the Department of Commerce, or other per-
10 sonnel of the Department of Commerce or the
11 Department of State, would support the strat-
12 egy;

13 (C) consult with the appropriate congress-
14 sional committees; and

15 (D) seek to consult with appropriate coun-
16 terparts from the government of each covered
17 country.

18 (4) SUBMISSION TO CONGRESS.—Not later than
19 1 year after the date of the enactment of this Act,
20 the Secretary of State shall submit the strategy re-
21 quired under paragraph (1) to the appropriate con-
22 gressional committees.

23 (c) IMPROVED TRACKING OF TRAFFICKED FIRE-
24 ARMS.—

1 (1) ASSESSMENT OF DATA AVAILABILITY.—Not
2 later than 180 days after the date on which a coun-
3 try is designated (or deemed to be designated, as the
4 case may be) as a covered country pursuant to sec-
5 tion 6, the Secretary of State, in consultation with
6 the Secretary of Commerce, the Attorney General,
7 the Director of the Bureau of Alcohol, Tobacco,
8 Firearms and Explosives, and the heads of such
9 other Federal departments or agencies as the Sec-
10 retary of State may determine relevant, shall con-
11 duct and submit to the Committee on Foreign Rela-
12 tions of the Senate and the Committee on Foreign
13 Affairs of the House of Representatives an assess-
14 ment of the extent to which the law enforcement
15 agencies of such covered country make available to
16 the United States Government forensic information
17 of trafficked firearms.

18 (2) ADDRESSING GAPS IN DATA.—For the dura-
19 tion of the period during which a country is des-
20 ignated as a covered country pursuant to section 6,
21 the Secretary of State shall—

22 (A) seek to engage with the foreign coun-
23 terparts of the government of such covered
24 country to improve the collection and sharing of
25 the forensic information of trafficked firearms

1 confiscated by the law enforcement agencies of
2 such covered country; and

3 (B) promptly provide any such forensic in-
4 formation shared pursuant to subparagraph (A)
5 to the relevant Federal, State, and local law en-
6 forcement agencies for purposes of use in crimi-
7 nal or civil investigations into violations of rel-
8 evant United States Federal laws, including the
9 Arms Export Control Act (22 U.S.C. 2751 et
10 seq.).

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

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

15 (B) any other information that may be
16 used to identify the origin of the firearm or any
17 person or organization involved in the traf-
18 ficking of the firearm.

19 (d) ANNUAL REPORT.—

20 (1) SUBMISSION.—Not later than 1 year after
21 the date of the enactment of this Act, and annually
22 thereafter, the Secretary or Secretaries concerned
23 (in consultation with the heads of such other Fed-
24 eral departments or agencies as the Secretary or
25 Secretaries concerned may determine relevant) shall

1 submit a report to the appropriate congressional
2 committees that describes the export of covered mu-
3 nitions to covered countries.

4 (2) MATTERS.—Each report under paragraph
5 (1) shall include, with respect to the year for which
6 the report is submitted, disaggregated by country—

7 (A) information regarding license applica-
8 tions approved or denied by the Department of
9 State or the Department of Commerce, and
10 previously issued licenses for the export of cov-
11 ered munitions to proposed recipients in covered
12 countries that have been modified or revoked;

13 (B) information regarding how evolving
14 country contexts, including with respect to de-
15 velopments in human rights, affected the ap-
16 proval of license applications for such exports;

17 (C) the number of licenses issued for the
18 export of covered munitions to proposed recipi-
19 ents in covered countries;

20 (D) the number of covered munitions ex-
21 ported to recipients in covered countries;

22 (E) with respect to end-user checks for
23 covered munitions exported to recipients in cov-
24 ered countries conducted pursuant to section
25 38(g)(7) of the Arms Export Control Act (22

1 U.S.C. 2778(g)(7)) (commonly referred to as
2 the “Blue Lantern” program), the monitoring
3 program established under the second section
4 40A of the Arms Export Control Act (22
5 U.S.C. 2785) (as added by section 150(a) of
6 Public Law 104–164), or any other applicable
7 program of the Department of Commerce or the
8 Department of State—

9 (i) the number of such end-user
10 checks requested;

11 (ii) the number of such end-user
12 checks conducted;

13 (iii) the type of such end-user checks
14 conducted; and

15 (iv) the results of such end-user
16 checks conducted;

17 (F) information on the extent to which the
18 heads of the governments of covered countries
19 shared with the Secretary or Secretaries con-
20 cerned and the heads of other relevant Federal
21 departments and agencies (such as the Bureau
22 of Alcohol, Tobacco, Firearms and Explosives)
23 data relating to the receipt and end-use of cov-
24 ered munitions exported from the United
25 States, and the type of data so shared; and

1 (G) for each covered country, a description
2 of the United States funding and resources allo-
3 cated for the purpose of disrupting trafficking
4 of covered munitions.

5 (3) SECRETARY OR SECRETARIES CONCERNED
6 DEFINED.—In this subsection, the term “Secretary
7 or Secretaries concerned” means—

8 (A) if a single Federal department or
9 agency has jurisdiction over the export control
10 of covered munitions, the head of such Federal
11 department or agency; or

12 (B) if multiple Federal departments or
13 agencies have jurisdiction over the export con-
14 trol of covered munitions, the head of each such
15 Federal department or agency.

16 **SEC. 6. DESIGNATION OF COVERED COUNTRIES.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of the enactment of this Act, the Bahamas, Belize,
19 Brazil, Colombia, Ecuador, El Salvador, Guatemala, Hon-
20 duras, Mexico, Haiti, Jamaica, and Trinidad and Tobago
21 shall be designated by the Secretary of State as covered
22 countries for purposes of this Act.

23 (b) TERMINATION OF DESIGNATION.—The countries
24 designated pursuant to subsection (a) shall continue to be
25 so designated during the 5-year period beginning on the

1 date of enactment of this Act, after which period the Sec-
2 retary of State may terminate the designation with respect
3 to any such country if, at least 180 days before such ter-
4 mination, the Secretary submits a notification of such ter-
5 mination to the appropriate congressional committees.

6 **SEC. 7. CERTIFICATION REQUIREMENTS RELATING TO**
7 **CERTAIN MUNITIONS EXPORTS.**

8 (a) INITIAL CERTIFICATION; PROHIBITION.—

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

17 (2) WAIVER.—During the 1-year period begin-
18 ning on the effective date described in subsection
19 (d), the Secretary of State may waive the certifi-
20 cation requirement under paragraph (1) with respect
21 to the transfer of a covered munition to the govern-
22 ment of a country described in paragraph (1) if the
23 Secretary—

24 (A) certifies to the appropriate congress-
25 sional committees that such waiver is in the na-

1 tional security interest of the United States;
2 and

3 (B) includes a written justification with
4 such certification.

5 (b) REVIEW AND RECERTIFICATION.—

6 (1) IN GENERAL.—Not later than 3 years after
7 the date of the submission of the certification pursu-
8 ant to subsection (a) for a covered country, and an-
9 nually thereafter until such time as the designation
10 of such country is terminated pursuant to section
11 6(d), the Secretary of State shall review, and submit
12 to the appropriate congressional committees a recer-
13 tification of, such certification.

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

21 (c) PROGRAM.—

22 (1) ESTABLISHMENT.—The Secretary of State
23 shall establish and carry out a program under which
24 the Secretary shall prohibit the retransfer of covered
25 munitions transferred to covered countries without

1 the consent of the United States and provide for the
2 registration and end-use monitoring of such covered
3 munitions in accordance with the requirements de-
4 scribed in paragraph (2).

5 (2) REQUIREMENTS.—

6 (A) DETAILED RECORD.—The Secretary
7 shall maintain a detailed record of the origin,
8 shipping, and distribution of covered munitions
9 transferred to covered countries.

10 (B) REGISTRATION.—The Secretary shall
11 register the serial numbers of all covered muni-
12 tions, which shall be provided to the govern-
13 ments of covered countries and other organiza-
14 tions, citizens, and residents within such cov-
15 ered countries.

16 (C) END-USE MONITORING.—The Sec-
17 retary shall carry out a program for the end-use
18 monitoring of covered munitions transferred to
19 the entities and individuals described in sub-
20 paragraph (B).

21 (3) REVIEW OF DATABASE.—In prohibiting the
22 retransfer of covered munitions without the consent
23 of the United States pursuant to the program estab-
24 lished pursuant to paragraph (1), the Secretary of

1 State, in consultation with the Secretary of Com-
2 merce, shall—

3 (A) review the database of the Department
4 of State that stores records relating to vetting
5 conducted pursuant to section 620M of the
6 Foreign Assistance Act of 1961 (22 U.S.C.
7 2378d) or section 362 of title 10, United States
8 Code, known as the “International Vetting and
9 Security Tracking-cloud system” or “INVEST
10 system” (or any successor database), for any
11 such records relating to the prospective recipi-
12 ents of such retransfer; and

13 (B) ensure that such consent is not grant-
14 ed for any such prospective recipient who the
15 Secretary of State determines, taking into ac-
16 count the review under subparagraph (A), is
17 credibly implicated in a gross violation of inter-
18 nationally recognized human rights.

19 (4) DATA STORAGE AND SHARING.—In carrying
20 out the program established pursuant to paragraph
21 (1), the Secretary of State shall—

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

1 (B) to the extent practicable, provide for
2 the sharing of such data with the Secretary of
3 Commerce and the heads of such other Federal
4 departments or agencies as the Secretary of
5 State may determine relevant.

6 (d) EFFECTIVE DATE.—This section shall take effect
7 on the date that is 1 year after the date on which the
8 Secretary of Commerce completes the transfer of the con-
9 trol over the export of previously covered items to the ju-
10 risdiction of the Department of State pursuant to section
11 4(a).

12 **SEC. 8. LIMITATION ON LICENSES AND OTHER AUTHORIZA-**
13 **TIONS FOR EXPORT OF CERTAIN ITEMS RE-**
14 **MOVED FROM THE COMMERCE CONTROL**
15 **LIST AND INCLUDED ON THE UNITED STATES**
16 **MUNITIONS LIST.**

17 (a) IN GENERAL.—The Secretary of State may not
18 grant an export license or other authorization for the ex-
19 port of a previously covered item unless, before granting
20 such license or other authorization, the Secretary submits
21 to the appropriate congressional committees a written cer-
22 tification with respect to such proposed export license or
23 other authorization containing—

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

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

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

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

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

9 (b) FORM.—Each certification required under sub-
10 section (a) shall be submitted in unclassified form, except
11 that information regarding the dollar value and number
12 of items proposed to be exported may be restricted from
13 public disclosure if such disclosure would be detrimental
14 to the security of the United States.

15 (c) DEADLINES.—Each certification required under
16 subsection (a) shall be submitted—

17 (1) not later than 15 days before a proposed ex-
18 port license or other authorization is granted in the
19 case of a transfer of items to a country which is a
20 member of the North Atlantic Treaty Organization
21 or Australia, Japan, the Republic of Korea, Israel,
22 or New Zealand, and

23 (2) not later than 30 days before a proposed ex-
24 port license or other authorization is granted in the
25 case of a transfer of items to any other country.

1 (d) CONGRESSIONAL RESOLUTION OF DIS-
2 APPROVAL.—A proposed export license or other authoriza-
3 tion described in subsection (c)(1) shall become effective
4 after the end of the 15-day period described in such sub-
5 section, and a proposed export license or other authoriza-
6 tion described in subsection (c)(2) shall become effective
7 after the end of the 30-day period specified in such sub-
8 section if Congress does not enact, within the applicable
9 time period, a joint resolution prohibiting the export of
10 the covered item for which the export license or other au-
11 thorization was proposed.

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