

119TH CONGRESS
1ST SESSION

H. R. 6736

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 16, 2025

Mr. CASTRO of Texas (for himself, Mrs. TORRES of California, Mr. GOLDMAN of New York, Mrs. CHERFILUS-McCORMICK, Ms. DELAURO, Mr. MAGAZINER, Ms. VELÁZQUEZ, Mr. FROST, Ms. DEAN of Pennsylvania, Mrs. RAMIREZ, Ms. JAYAPAL, Mrs. GRIJALVA, Ms. OMAR, Mr. MCGOVERN, Ms. KELLY of Illinois, Ms. WASSERMAN SCHULTZ, Mr. MENENDEZ, and Ms. TITUS) 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Americas Regional Monitoring of Arms Sales Act of
6 2025” or the “ARMAS Act of 2025”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Transfer of regulatory control of certain munitions exports from Department of Commerce to Department of State.
- Sec. 4. Reports and strategy on disruption of illegal export and trafficking of firearms to Mexico and certain Central American and Caribbean countries.
- Sec. 5. Increasing participation in the eTrace program.
- Sec. 6. Modifications to the Caribbean Basin Security Initiative.
- Sec. 7. Designation of covered countries.
- Sec. 8. Certification requirements relating to certain munitions exports.
- Sec. 9. 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.
- Sec. 10. Prohibition on promotion of covered munitions.
- Sec. 11. Definitions.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

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

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

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

6 (4) Firearms trafficking from the United States
7 and firearm violence are key drivers of immigration
8 and asylum claims from Central America.

9 (5) According to the United Nations Regional
10 Centre for Peace, Disarmament and Development in
11 Latin America and the Caribbean, firearms are used
12 in 70 percent of homicides in the Caribbean com-
13 pared to 30 percent globally, and while the Carib-
14 bean constitutes less than one percent of the global
15 population, it is responsible for 23 percent of all re-
16 corded homicides.

17 (6) In an August 2022 press conference, United
18 States officials of Homeland Security Investigations
19 reported a “marked uptick in the number of weap-
20 ons”, and an increase in the caliber and type of
21 weapons, being illegally trafficked to Haiti and the
22 rest of the Caribbean.

23 (7) The Caribbean Basin Security Initiative of
24 the Department of State that commenced in 2009 is
25 the regional foreign assistance program of the

1 United States that seeks to reduce illicit trafficking
2 in the Caribbean region and advance public safety
3 and security. The program includes improving the
4 capacity of Caribbean countries to intercept smug-
5 gled weapons at airports and seaports, as well as
6 support for forensic ballistics and firearms destruc-
7 tion and stockpile management. Assistance under
8 the Caribbean Basin Security Initiative has also in-
9 cluded support for regional organizations, includ-
10 ing—

11 (A) the Caribbean Community Implemen-
12 tation Agency for Crime and Security
13 (CARICOM IMPACS), based in Trinidad and
14 Tobago, the lead agency involved in the issue of
15 illicit firearms trafficking and increasing the ca-
16 pacity of member states to detect and prevent
17 firearms trafficking; and

18 (B) the Eastern Caribbean’s Regional Se-
19 curity System, based in Barbados.

20 (8) Two GAO reports (published in 2021 and
21 2022, respectively) on firearms trafficking have af-
22 firmed that firearms trafficking to Mexico and Cen-
23 tral America continues to represent a security con-
24 cern to the United States, as United States-origin
25 firearms are diverted from legitimate owners and

1 end up in the hands of violent criminals, including
2 drug traffickers and other transnational criminal or-
3 ganizations. A GAO report on the effect of firearms
4 trafficking in the Caribbean has not yet been com-
5 piled.

6 (9) In these reports, the Comptroller General
7 found that Federal departments and agencies lacked
8 information and analysis of the firearms trafficking
9 networks in Mexico and Central America, that few
10 efforts of the United States Government in the re-
11 gion focused on firearms trafficking, and that, as a
12 result, such agencies lack a detailed understanding
13 of the firearms trafficking that fuels violence and
14 enables criminals in Belize, El Salvador, Guatemala,
15 Honduras, and Mexico.

16 (10) Firearms used to kidnap and kill a group
17 of United States citizens traveling in Matamoros,
18 Mexico were illegally smuggled from the United
19 States into Mexico. The suspect in these killings ad-
20 mitted to Federal agents that he purchased firearms
21 in the United States, smuggled them across the bor-
22 der, and knowingly provided them to members of the
23 Gulf Cartel.

24 (11) As the incident specified in paragraph (11)
25 demonstrates, United States-sourced firearms are

1 being smuggled and diverted to cartels implicated in
2 the supply and flow of illegal fentanyl and other
3 dangerous drugs, threatening the public health and
4 safety of United States citizens.

5 (12) In the 2022 GAO report “Firearms Traf-
6 ficking: More Information Needed to Inform U.S.
7 Efforts in Central America”, the Comptroller Gen-
8 eral found that efforts of the United States Govern-
9 ment focused on firearms trafficking in Belize, El
10 Salvador, Guatemala, and Honduras lacked informa-
11 tion about relevant country conditions and perform-
12 ance measures to ensure such efforts were designed
13 and implemented to achieve the intended objectives
14 and, as a result, the Comptroller General rec-
15 ommended that the Secretary of State obtain infor-
16 mation about the conditions in such countries, to
17 support the development of effective programs to re-
18 duce the availability of illicit firearms.

19 (13) Data on firearms trafficking is limited and
20 to understand the problem, data compilation is cru-
21 cial.

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

1 (15) In 2021 and 2022, the annual Country
2 Reports on Human Rights Practices of the Depart-
3 ment of State included “unlawful and arbitrary
4 killings” as a significant human rights issue in Gua-
5 temala, yet despite such inclusion, the Under Sec-
6 retary of Commerce for Industry and Security has
7 authorized approximately 99,270 firearms exports to
8 Guatemala since assuming responsibility for firearms
9 licensing in 2020.

10 (16) When firearms were controlled under the
11 United States Munitions List and the licensing of
12 firearms was the responsibility of the Secretary of
13 State, the average number of firearms licensed for
14 export to Guatemala was approximately 4,000 per
15 year.

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

1 (18) Since the Department of Commerce gained
2 jurisdiction over the control of firearm export licens-
3 ing, there has been a 30 percent increase in firearm
4 exports in comparison to averages for such exports
5 when the control of such exports was under the ju-
6 risdiction of the Department of State. The Secretary
7 of Commerce has also approved 95 percent of license
8 applications for such exports.

9 (19) According to the U.S. Census Bureau,
10 Mexico, Guatemala, and Brazil have been among the
11 top 10 destinations for United States-manufactured
12 semiautomatic firearm exports.

13 (20) The Bipartisan Safer Communities Act
14 (Public Law 117–159), which was enacted into law
15 on June 25, 2022, implemented key efforts to ad-
16 dress firearm trafficking, including by establishing a
17 Federal criminal offense for firearm trafficking and
18 by strengthening the capability of the Bureau of Al-
19 cohol, Tobacco, Firearms and Explosives to interdict
20 firearms.

21 (21) A growing number of firearms exported by
22 United States manufacturers are found involved in
23 violent crimes worldwide. For instance, the pistol
24 used in a mass shooting of 23 children and two

1 teachers in Thailand in October 2022 was linked to
2 a United States factory.

3 **SEC. 3. TRANSFER OF REGULATORY CONTROL OF CERTAIN**
4 **MUNITIONS EXPORTS FROM DEPARTMENT**
5 **OF COMMERCE TO DEPARTMENT OF STATE.**

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

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

12 (2) following such transfer, the Secretary of
13 State may not transfer the control over the export
14 of any covered munition to the jurisdiction of the
15 Department of Commerce.

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

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

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

9 **SEC. 4. REPORTS AND STRATEGY ON DISRUPTION OF ILLE-**
10 **GAL EXPORT AND TRAFFICKING OF FIRE-**
11 **ARMS TO MEXICO AND CERTAIN CENTRAL**
12 **AMERICAN AND CARIBBEAN COUNTRIES.**

13 (a) REPORT.—

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

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

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

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

12 (A) An identification of any such efforts,
13 including efforts to accomplish the following ob-
14 jectives:

15 (i) Tracking and verifying information
16 regarding 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) Ensuring the destruction of sur-
2 plus firearms so exported.

3 (iii) Ensuring 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) Building 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) Tracking and verifying informa-
13 tion regarding the end-users of firearms
14 obtained in the United States and illegally
15 trafficked to such covered countries.

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

20 (vii) Engaging 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) Identifying 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) Implementing the proposed secu-
15 rity cooperation plan titled “U.S.-Mexico
16 Bicentennial Framework for Security, Pub-
17 lic Health, and Safe Communities”, and
18 any successor or subsequent bilateral
19 agreements on combating firearm traf-
20 ficking, transnational organizations, or
21 fentanyl.

22 (x) Cooperating with other relevant
23 Federal departments and agencies, includ-
24 ing the Attorney General, the Secretary of
25 Homeland Security, and the Director of

1 the Bureau of Alcohol, Tobacco, Firearms
2 and Explosives, to combat firearms traf-
3 ficking and prosecute illegal firearm smug-
4 glers.

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

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

13 (b) INTER-AGENCY STRATEGY.—

14 (1) IN GENERAL.—The Secretary of State, in
15 consultation with the Secretary of Commerce, taking
16 into account the findings of the report under sub-
17 section (a), shall jointly develop an inter-agency
18 strategy for the disruption of the trafficking of fire-
19 arms exported from the United States to recipients
20 in countries designated as covered countries under
21 section 7.

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

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

4 (B) An identification of specific perform-
5 ance measures, targets (including the baselines
6 for such targets), and timelines with respect to
7 such objectives.

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

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

18 (E) A plan for coordination between the
19 Secretary of State, the Secretary of Commerce,
20 and such heads regarding efforts in countries
21 designated as covered countries under section 7
22 to combat the trafficking of United States-
23 sourced firearms—

24 (i) from the United States to such
25 designated countries; and

1 (ii) from such designated countries to
2 other countries in the surrounding region.

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

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

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

18 (C) seek to consult with appropriate coun-
19 terparts from the government of each country
20 designated as a covered country under section
21 7.

22 (4) SUBMISSION TO CONGRESS.—Not later than
23 January 1 of the year following the date of the en-
24 actment of this Act, the Secretary of State shall sub-

1 mit to the appropriate congressional committees the
2 strategy under paragraph (1).

3 (c) IMPROVED TRACKING OF TRAFFICKED FIRE-
4 ARMS.—

5 (1) ASSESSMENT OF DATA AVAILABILITY.—Not
6 later than 180 days after the date on which a coun-
7 try is designated (or the deemed to be designated,
8 as the case may be), under section 7, the Secretary
9 of State, in consultation with the Secretary of Com-
10 merce, the Attorney General, the Director of the Bu-
11 reau of Alcohol, Tobacco, Firearms and Explosives,
12 and the heads of such other Federal departments or
13 agencies as the Secretary of State may determine
14 relevant, shall conduct and submit to the Committee
15 on Foreign Affairs of the House of Representatives
16 and the Committee on Foreign Relations of the Sen-
17 ate an assessment of the extent to which the law en-
18 forcement agencies of that designated country make
19 available to the United States Government forensic
20 information of trafficked firearms.

21 (2) ADDRESSING GAPS IN DATA.—For the dura-
22 tion of the period during which a country is des-
23 ignated as a covered country under section 7, the
24 Secretary of State shall—

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

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

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

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

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

22 (d) ANNUAL REPORT.—

23 (1) SUBMISSION.—Not later than one year after
24 the date of the enactment of this Act, and annually
25 thereafter, the Secretary or Secretaries concerned

1 (in consultation with the heads of such other Fed-
2 eral departments or agencies as the Secretary or
3 Secretaries concerned may determine relevant) shall
4 submit to the appropriate congressional committees
5 a report on the export of covered munitions to coun-
6 tries designated as covered countries under section
7 7.

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

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

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

21 (C) The number of licenses issued for the
22 export of covered munitions to proposed recipi-
23 ents in covered countries.

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

1 (E) With respect to end-user checks for
2 covered munitions exported to recipients in cov-
3 ered countries under section 38(g)(7) of the
4 Arms Export Control Act (22 U.S.C.
5 2778(g)(7)) (commonly referred to as the “Blue
6 Lantern” program), the monitoring program es-
7 tablished under the second section 40A of the
8 Arms Export Control Act (22 U.S.C. 2785) (as
9 added by section 150(a) of Public Law 104–
10 164), or other applicable programs of the De-
11 partment of Commerce or Department of State,
12 the following information:

13 (i) The number of such end-user
14 checks requested.

15 (ii) The number of such end-user
16 checks conducted.

17 (iii) The type of such end-user checks
18 conducted.

19 (iv) The results of such end-user
20 checks conducted.

21 (F) Information on the extent to which the
22 heads of the governments of covered countries
23 shared with the Secretary or Secretaries con-
24 cerned and the heads of other relevant Federal
25 departments and agencies (such as the Bureau

of Alcohol, Tobacco, Firearms and Explosives) data relating to the receipt and end-use of covered munitions exported from the United States, and the type of data so shared.

(G) For each covered country, a description of the United States funding and resources allocated for the purpose of disrupting trafficking of covered munitions.

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

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

(B) if multiple Federal departments or agencies have jurisdiction over the export control of covered munitions, each Secretary of such a Federal department or agency.

SEC. 5. INCREASING PARTICIPATION IN THE ETRACE PROGRAM.

(a) IN GENERAL.—The Secretary of State, in coordination with the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, shall seek to work with national and sub-national law enforcement authorities of

1 countries designated as covered countries under section
2 7in order to increase participation by such authorities in
3 the eTrace program.

4 (b) REPORT.—Not later than 2 years after the date
5 of the enactment of this Act, the Secretary of State shall
6 submit to the appropriate congressional committees a re-
7 port on the implementation of subsection (a) and on the
8 number of firearms traced to a purchase or export that
9 resulted in Federal investigations and prosecutions.

10 (c) HAITI.—The Director of the Bureau of Alcohol,
11 Tobacco, Firearms and Explosives shall ensure that the
12 eTrace program is available in the French and Haitian
13 Creole languages for the purposes of improving the use
14 of the program by law enforcement authorities in Haiti.

15 (d) AUTHORIZATION OF APPROPRIATION.—Amounts
16 authorized to be appropriated under chapter 8 of part I
17 of the Foreign Assistance Act of 1961 (relating to inter-
18 national narcotics control assistance) are authorized to be
19 made available to carry out this section.

20 (e) DEFINITION OF ETrace PROGRAM.—In this sec-
21 tion, the term “eTrace program” means the web-based
22 firearms tracing system of the Bureau of Alcohol, To-
23 bacco, Firearms and Explosives that is available to accred-
24 ited domestic and international law enforcement agencies
25 to assist in the tracing of United States-sourced firearms.

1 **SEC. 6. MODIFICATIONS TO THE CARIBBEAN BASIN SECU-**
2 **RITY INITIATIVE.**

3 The Secretary of State shall update the Caribbean
4 Basin Security Initiative's Results Framework to establish
5 specific indicators relating to trafficking in firearms.

6 **SEC. 7. DESIGNATION OF COVERED COUNTRIES.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State
9 shall designate each country that the Secretary determines
10 meets the requirements under subsection (b) as a covered
11 country for purposes of this Act.

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

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

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

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

20 (c) INITIAL DESIGNATIONS.—The Bahamas, Belize,
21 Brazil, Colombia, El Salvador, Guatemala, Honduras,
22 Mexico, Haiti, Jamaica, and Trinidad and Tobago—

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

1 (2) shall continue to be deemed so designated
2 for a five-year period, during which time the des-
3 ignation may not be terminated under subsection
4 (d).

5 (d) TERMINATION OF DESIGNATION.—Subject to
6 subsection (c)(2), the Secretary of State may terminate
7 the designation of a country under this section only if,
8 at least 180 days prior to such termination, the Secretary
9 submits to the appropriate congressional committees a no-
10 tification of such termination.

11 **SEC. 8. CERTIFICATION REQUIREMENTS RELATING TO**
12 **CERTAIN MUNITIONS EXPORTS.**

13 (a) INITIAL CERTIFICATION; PROHIBITION.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), no covered munition may be transferred
16 to the government of a country designated as a cov-
17 ered country under section 7, or any other organiza-
18 tion, citizen, or resident of such covered country,
19 until the Secretary of State submits to the appro-
20 priate congressional committees a certification that
21 the program required under subsection (c) has been
22 established.

23 (2) WAIVER.—For the one-year period begin-
24 ning on the effective date of this section described
25 in subsection (d), the Secretary of State may waive

1 the certification requirement under paragraph (1)
2 with respect to the transfer of a covered munition to
3 the government of a country described in paragraph
4 (1) if the Secretary certifies to the appropriate con-
5 gressional committees that such waiver is in the na-
6 tional security interest of the United States and in-
7 cludes a written justification with the certification.

8 (b) REVIEW AND RECERTIFICATION.—

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

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

24 (c) PROGRAM.—

1 (1) ESTABLISHMENT.—The Secretary of State
2 shall establish and carry out a program under which
3 the Secretary shall prohibit the retransfer of covered
4 munitions transferred to countries designated as
5 covered countries under section 7 without the consent
6 of the United States and provide for the registration
7 and end-use monitoring of such covered munitions in
8 accordance with the following requirements:

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

13 (B) The registration of the serial numbers
14 of all covered munitions, to be provided to the
15 governments of such covered countries and
16 other organizations, citizens, and residents
17 within such covered countries.

18 (C) The conduct of a program for the end-
19 use monitoring of covered munitions transferred
20 to the entities and individuals described in sub-
21 paragraph (B).

22 (2) REVIEW OF DATABASE.—In prohibiting the
23 retransfer of covered munitions without the consent
24 of the United States pursuant to the program under

1 paragraph (1), the Secretary of State, in consulta-
2 tion with the Secretary of Commerce, 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 (3) DATA STORAGE AND SHARING.—In carrying
20 out the program under paragraph (1), the Secretary
21 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 under section 3(a).

11 **SEC. 9. LIMITATION ON LICENSES AND OTHER AUTHORIZA-**
12 **TIONS FOR EXPORT OF CERTAIN ITEMS RE-**
13 **MOVED FROM THE COMMERCE CONTROL**
14 **LIST AND INCLUDED ON THE UNITED STATES**
15 **MUNITIONS LIST.**

16 (a) IN GENERAL.—The Secretary of State may not
17 grant a license or other authorization for the export of
18 a previously covered item the control over the export of
19 which the Secretary of Commerce has transferred to the
20 jurisdiction of the Department of State under section 3(a)
21 unless, before granting the license or other authorization,
22 the Secretary submits to the chairman and ranking mem-
23 ber of the Committee on Foreign Affairs of the House of
24 Representatives and the chairman and ranking member of
25 the Committee on Foreign Affairs of the Senate a written

1 certification with respect to such proposed export license
2 or other authorization containing—

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

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

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

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

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

13 (b) FORM.—A certification required under subsection
14 (a) shall be submitted in unclassified form, except that
15 information regarding the dollar value and number of
16 items proposed to be exported may be restricted from pub-
17 lic disclosure if such disclosure would be detrimental to
18 the security of the United States.

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

21 (1) at least 15 calendar days before a proposed
22 export license or other authorization is granted in
23 the case of a transfer of items to a country which
24 is a member of the North Atlantic Treaty Organiza-

1 tion or Australia, Japan, the Republic of Korea,
2 Israel, or New Zealand, and

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

6 (d) CONGRESSIONAL RESOLUTION OF DIS-
7 APPROVAL.—A proposed export license or other authoriza-
8 tion described in paragraph (1) of subsection (c) shall be-
9 come effective after the end of the 15-day period described
10 in such paragraph, and a proposed export license or other
11 authorization described in paragraph (2) of subsection (c)
12 shall become effective after the end of the 30-day period
13 specified in such paragraph, only if the Congress does not
14 enact, within the applicable time period, a joint resolution
15 prohibiting the export of the covered item for which the
16 export license or other authorization was proposed.

17 **SEC. 10. PROHIBITION ON PROMOTION OF COVERED MUNI-**
18 **TIONS.**

19 The Secretary of Commerce is prohibited from—

20 (1) promoting the sale or export of covered mu-
21 nition; or

22 (2) seeking the reduction or removal by any for-
23 eign country of restrictions on the marketing of cov-
24 ered munitions.

1 **SEC. 11. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Foreign Affairs of
7 the House of Representatives; and

8 (B) the Committee on Foreign Relations
9 and the Committee on Banking, Housing, and
10 Urban Affairs of the Senate.

11 (2) COVERED MUNITION.—The term “covered
12 munition” means the following:

13 (A) Any previously covered item.

14 (B) Any item that, following the date of
15 the enactment of this Act, is designated for
16 control under Category I, II, or III of the
17 United States Munitions List pursuant to sec-
18 tion 38 of the Arms Export Control Act (22
19 U.S.C. 2778) or otherwise subject to control
20 under any such category.

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

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

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

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

5 (5) GROSS VIOLATIONS OF INTERNATIONALLY
6 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
7 lations of internationally recognized human rights”
8 has the meaning given that term in section 502B(d)
9 of the Foreign Assistance Act of 1961 (22 U.S.C.
10 2304(d)).

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

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

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

22 (7) UNITED STATES MUNITIONS LIST.—The
23 term “United States Munitions List” means the list

- 1 maintained pursuant to part 121 of title 22, Code
- 2 of Federal Regulations.

