

119TH CONGRESS
1ST SESSION

S. 3508

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

DECEMBER 16, 2025

Mr. MURPHY (for himself, Mr. KAINE, Mr. MARKEY, Mr. DURBIN, and Ms. WARREN) 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 2025” or the “ARMAS Act of 2025”.

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 the Department of Commerce to the Department of State.
- Sec. 5. Reports and strategy on disruption of illegal export and trafficking of firearms to Mexico and certain Central American and Caribbean countries.
- Sec. 6. Increasing participation in the eTrace program.
- Sec. 7. Modifications to the Caribbean Basin Security Initiative.
- Sec. 8. Designation of covered countries.
- Sec. 9. Certification requirements relating to certain munitions exports.
- Sec. 10. 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. 11. Prohibitions on promotion of covered munitions.

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 and titled “Firearms Trafficking: U.S. Ef-
 14 forts to Disrupt Gun Smuggling into Mexico Would
 15 Benefit 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-

1 cide rates, domestic violence, and femicides in Mex-
2 ico, Central America, and the Caribbean.

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

6 (5) According to the United Nations Regional
7 Centre for Peace, Disarmament and Development in
8 Latin America and the Caribbean—

9 (A) firearms are used in 70 percent of
10 homicides in the Caribbean compared to 30 per-
11 cent globally; and

12 (B) while the Caribbean constitutes less
13 than 1 percent of the global population, 23 per-
14 cent of all recorded homicides worldwide take
15 place in the Caribbean.

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

22 (7) The Caribbean Basin Security Initiative of
23 the Department of State, which commenced in
24 2009—

1 (A) is the regional foreign assistance pro-
2 gram of the United States that seeks to reduce
3 illicit weapons trafficking in the Caribbean re-
4 gion and advance public safety and security;

5 (B) seeks to improve the capacity of Carib-
6 bean countries to intercept smuggled weapons
7 at airports and seaports;

8 (C) provides support for forensic ballistics
9 and firearms destruction and stockpile manage-
10 ment; and

11 (D) has also included support for regional
12 organizations, including—

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

21 (ii) the Eastern Caribbean’s Regional
22 Security System, which is based in Bar-
23 bados.

24 (8) Two GAO reports on firearms trafficking,
25 which were published in 2021 and 2022, respec-

1 tively, have affirmed that firearms trafficking to
2 Mexico and Central America continues to represent
3 a security concern to the United States, as United
4 States-origin firearms are diverted from legitimate
5 owners and end up in the hands of violent criminals,
6 including drug traffickers and other transnational
7 criminal organizations.

8 (9) In the reports referred to in paragraph (8),
9 the Comptroller General of the United States deter-
10 mined that—

11 (A) Federal departments and agencies
12 lacked information and analysis of the firearms
13 trafficking networks in Mexico and Central
14 America;

15 (B) few efforts by the United States Gov-
16 ernment in that region focused on firearms
17 trafficking; and

18 (C) Federal departments and agencies lack
19 a detailed understanding of the firearms traf-
20 ficking that fuels violence and arms criminals in
21 Belize, El Salvador, Guatemala, Honduras, and
22 Mexico.

23 (10) Firearms that were used to kidnap and kill
24 a group of United States citizens traveling in Mata-
25 moros, Mexico were illegally smuggled from the

1 United States into Mexico. The suspect in these
2 killings admitted to Federal agents that he pur-
3 chased firearms in the United States, smuggled
4 them across the United States border, and know-
5 ingly provided them to members of the Gulf Cartel.

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

12 (12) In the 2022 GAO report titled “Firearms
13 Trafficking: More Information Needed to Inform
14 U.S. Efforts in Central America”, the Comptroller
15 General of the United States—

16 (A) reported efforts of the United States
17 Government focused on firearms trafficking in
18 Belize, El Salvador, Guatemala, and Honduras
19 lacked information about relevant country con-
20 ditions and performance measures to ensure
21 such efforts were designed and implemented to
22 achieve the intended objectives; and

23 (B) recommended the Secretary of State
24 obtain information about the conditions in such
25 countries to support the development of effec-

1 tive programs to reduce the availability of illicit
2 firearms.

3 (13) As of the date of the publication of the re-
4 port referred to in paragraph (12), the Secretary of
5 Commerce had not assigned any agents to Central
6 America on permanent assignment.

7 (14) In 2021 and 2022, the annual Country
8 Reports on Human Rights Practices of the Depart-
9 ment of State included “unlawful and arbitrary
10 killings” as a significant human rights issue in Gua-
11 temala. Despite such inclusion, the Under Secretary
12 of Commerce for Industry and Security has author-
13 ized approximately 99,270 firearms exports to Gua-
14 temala since assuming responsibility for firearms li-
15 censing on March 9, 2020.

16 (15) When firearms were controlled under the
17 United States Munitions List and the licensing of
18 firearms for export was the responsibility of the Sec-
19 retary of State, the average number of firearms li-
20 censed for export to Guatemala was approximately
21 4,000 per year.

22 (16) The number of firearms recently exported
23 to Guatemala, as specified in paragraph (14), rep-
24 resents an extraordinary increase from the average
25 number of firearms exported to Guatemala before

1 the transfer of licensing responsibility, as specified
2 in paragraph (15). According to the 2022 GAO re-
3 port titled “Firearms Trafficking: More Information
4 Needed to Inform U.S. Efforts in Central America”,
5 the Under Secretary of Commerce for Industry and
6 Security has only been able to conduct a very limited
7 number of end-use checks.

8 (17) Since the Department of Commerce gained
9 jurisdiction over the control of firearm export licens-
10 ing—

11 (A) there has been a 30 percent increase
12 in firearm exports compared to averages for
13 such exports when the control of such exports
14 was under the jurisdiction of the Department of
15 State; and

16 (B) the Secretary of Commerce has ap-
17 proved approximately 95 percent of license ap-
18 plications for such exports.

19 (18) According to the United States Census
20 Bureau, Mexico, Guatemala, and Brazil are among
21 the top 10 destinations for United States-manufac-
22 tured semiautomatic firearm exports.

23 (19) The Bipartisan Safer Communities Act
24 (Public Law 117–159), which was enacted into law

1 on June 25, 2022, implemented key efforts to ad-
2 dress firearm trafficking, including by—

3 (A) establishing a Federal criminal offense
4 for firearm trafficking; and

5 (B) strengthening the capability of the Bu-
6 reau of Alcohol, Tobacco, Firearms and Explo-
7 sives to interdict firearms.

8 (20) A growing number of firearms exported by
9 United States manufacturers are involved in violent
10 crimes worldwide, such as the pistol used in a mass
11 shooting of 23 children and 2 teachers in Thailand
12 in October 2022, which was linked to a United
13 States factory.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Relations of
20 the Senate;

21 (B) the Committee on Banking, Housing,
22 and Urban Affairs of the Senate; and

23 (C) the Committee on Foreign Affairs of
24 the House of Representatives.

1 (2) COVERED MUNITION.—The term “covered
2 munition” means—

3 (A) any previously covered item; and

4 (B) any item that, on or after the date of
5 the enactment of this Act, is designated for
6 control under Category I, II, or III of the
7 United States Munitions List pursuant to sec-
8 tion 38 of the Arms Export Control Act (22
9 U.S.C. 2778) or otherwise subject to control
10 under any such category.

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

13 (4) GROSS VIOLATIONS OF INTERNATIONALLY
14 RECOGNIZED HUMAN RIGHTS.—The term “gross vio-
15 lations of internationally recognized human rights”
16 has the meaning given such term in section
17 502B(d)(1) of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2304(d)(1)).

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

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

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

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

3 (A) any type of assistance described in sec-
4 tion 502B(d)(2) of the Foreign Assistance Act
5 of 1961 (22 U.S.C. 2304(d)(2)); and

6 (B) assistance furnished under an inter-
7 national security assistance program of the
8 United States conducted under any other provi-
9 sion of law, including the authorities granted
10 under chapter 16 of title 10, United States
11 Code.

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

16 **SEC. 4. TRANSFER OF REGULATORY CONTROL OF CERTAIN**
17 **MUNITIONS EXPORTS FROM DEPARTMENT**
18 **OF COMMERCE TO DEPARTMENT OF STATE.**

19 (a) TRANSFER.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of this Act, the Secretary
22 of Commerce shall transfer control over the export
23 of each previously covered item to the jurisdiction of
24 the Department of State.

1 (2) EFFECT OF TRANSFER.—Beginning on the
2 date of the transfer required under paragraph (1),
3 control over the export of any covered munition may
4 not be transferred back to the jurisdiction of the De-
5 partment of Commerce.

6 (b) RULEMAKING.—The Secretary of State and the
7 Secretary of Commerce shall prescribe such regulations as
8 may be necessary to implement this section by the date
9 specified in subsection (a)(1).

10 (c) PROHIBITION ON PROMOTION OF CERTAIN MUNI-
11 TIONS EXPORTS BY DEPARTMENT OF COMMERCE.—The
12 Secretary of Commerce may not take any action to pro-
13 mote the export of any previously covered item, including
14 actions before, on, or after the date on which the Secretary
15 transfers the control over the export of the previously cov-
16 ered item to the jurisdiction of the Department State pur-
17 suant to subsection (a)(1).

18 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion may be construed as limiting any authority relating
20 to the designation, control, or removal of items under the
21 United States Munitions List or the Commerce Control
22 List, other than the specific authority to transfer the con-
23 trol of previously covered items in accordance with sub-
24 section (a).

1 **SEC. 5. REPORTS AND STRATEGY ON DISRUPTION OF ILLE-**
2 **GAL EXPORT AND TRAFFICKING OF FIRE-**
3 **ARMS TO MEXICO AND CERTAIN CENTRAL**
4 **AMERICAN AND CARIBBEAN COUNTRIES.**

5 (a) REPORT.—

6 (1) SUBMISSION.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of State, in consultation with the Secretary of
9 Commerce, the Attorney General, the Director of the
10 Bureau of Alcohol, Tobacco, Firearms and Explo-
11 sives, and the heads of such other Federal depart-
12 ments or agencies as the Secretary of State deter-
13 mines to be relevant, shall submit a report to the ap-
14 propriate congressional committees that describes
15 the efforts of the Secretary of State and the heads
16 of other relevant Federal departments and agencies
17 to disrupt—

18 (A) the illegal export or diversion of fire-
19 arms from the United States to unauthorized
20 recipients in countries designated as covered
21 countries pursuant to section 8(a), including
22 through unauthorized third-party transfers; and

23 (B) the illegal trafficking of firearms ob-
24 tained in the United States to recipients in such
25 countries.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required under paragraph (1) shall include, with re-
3 spect to the efforts specified in such paragraph—

4 (A) the identification of any such efforts,
5 including efforts—

6 (i) to track and verify information re-
7 garding the end-users of firearms exported
8 from the United States, including by enter-
9 ing into data-sharing agreements—

10 (I) with appropriate counterparts
11 from the governments of such covered
12 countries; and

13 (II) between relevant depart-
14 ments and agencies of the United
15 States Government;

16 (ii) to ensure the destruction of sur-
17 plus firearms that have been exported from
18 the United States;

19 (iii) to ensure that exported firearms
20 are not used to commit extrajudicial
21 killings or other gross violations of inter-
22 nationally recognized human rights;

23 (iv) to build the capacity in such cov-
24 ered countries to prevent the trafficking of
25 illegally imported firearms, including

1 through existing programs supported or
2 implemented by the United States Govern-
3 ment;

4 (v) to track and verify information re-
5 garding the end-users of firearms obtained
6 in the United States and illegally traf-
7 ficked to such covered countries;

8 (vi) to combat all forms of cross-bor-
9 der smuggling of firearms from the United
10 States, including firearms smuggled on
11 maritime vessels and aircraft;

12 (vii) to engage with subnational gov-
13 ernment officials in such covered countries
14 to effectively implement and enforce agree-
15 ments relating to the trafficking of fire-
16 arms that have been concluded between the
17 United States Government and the na-
18 tional government of the respective covered
19 country;

20 (viii) to identify the origin of traf-
21 ficked firearms, including through the se-
22 rial numbers on such firearms, and sharing
23 such information with relevant law enforce-
24 ment agencies of—

25 (I) the United States;

1 (II) the respective covered coun-
2 try; and

3 (III) any other country deter-
4 mined relevant for purposes of such
5 information sharing;

6 (ix) to implement—

7 (I) the “U.S.-Mexico Bicenten-
8 nial Framework for Security, Public
9 Heath, and Safe Communities”; and

10 (II) any successor or subsequent
11 bilateral agreements on combating
12 firearm trafficking, transnational or-
13 ganizations, or fentanyl trafficking;
14 and

15 (x) to cooperate with other relevant
16 Federal departments and agencies, includ-
17 ing the Department of Justice, the Depart-
18 ment of Homeland Security, and the Bu-
19 reau of Alcohol, Tobacco, Firearms and
20 Explosives, to combat firearms trafficking
21 and prosecute illegal firearm smugglers;

22 (B) an assessment of the results of the ef-
23 forts described in subparagraph (A); and

24 (C) a description of how homicides,
25 extrajudicial killings, and other gross violations

1 of internationally recognized human rights com-
2 mitted in such covered countries using firearms
3 exported from, or obtained in, the United
4 States have been investigated.

5 (b) INTERAGENCY STRATEGY.—

6 (1) IN GENERAL.—The Secretary of State and
7 the Secretary of Commerce, after taking into ac-
8 count the findings of the report required under sub-
9 section (a), shall jointly develop an interagency
10 strategy for the disruption of the trafficking of fire-
11 arms exported from the United States to recipients
12 in countries designated as covered countries pursu-
13 ant to section 8(a).

14 (2) ELEMENTS.—The strategy required under
15 paragraph (1) shall include—

16 (A) a plan for the United States to accom-
17 plish each of the objectives specified in sub-
18 section (a)(2)(A);

19 (B) the identification of specific perform-
20 ance measures, targets (including the baselines
21 for such targets), and timelines with respect to
22 such objectives;

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

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

9 (E) a plan for coordination between the
10 Secretary of State, the Secretary of Commerce,
11 and department heads referred to in subpara-
12 graph (D) regarding efforts in countries des-
13 igned as covered countries pursuant to section
14 8(a) to combat the trafficking of United States-
15 sourced firearms—

16 (i) from the United States to such
17 designated countries; and

18 (ii) from such designated countries to
19 other countries in the region surrounding
20 such countries.

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

24 (A) consider how such strategy may sup-
25 port or otherwise align with broader efforts of

1 the Secretary of State relating to security as-
2 sistance, anti-corruption, and the prevention of
3 organized crime and drug and gang violence;

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

11 (C) consult with the appropriate congres-
12 sional committees; and

13 (D) seek to consult with appropriate coun-
14 terparts from the government of each country
15 designated as a covered country pursuant to
16 section 8(a).

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

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

1 (1) DEFINED TERM.—In this subsection, the
2 term “forensic information”, with respect to a traf-
3 ficked firearm, includes—

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

5 (B) any other information that may be
6 used to identify the origin of the firearm or any
7 person or organization involved in the traf-
8 ficking of the firearm.

9 (2) ASSESSMENT OF DATA AVAILABILITY.—Not
10 later than 180 days after the date on which a coun-
11 try is designated (or deemed to be designated) as a
12 covered country pursuant to section 8(a), the Sec-
13 retary of State, in consultation with the Secretary of
14 Commerce, the Attorney General, the Director of the
15 Bureau of Alcohol, Tobacco, Firearms and Explo-
16 sives, and the heads of such other Federal depart-
17 ments or agencies as the Secretary of State deter-
18 mines to be relevant, shall—

19 (A) conduct an assessment of the extent to
20 which the law enforcement agencies of such cov-
21 ered country make available to the United
22 States Government forensic information of traf-
23 ficked firearms; and

24 (B) submit a report to the Committee on
25 Foreign Relations of the Senate and the Com-

1 committee on Foreign Affairs of the House of Rep-
2 representatives that contains a summary of the
3 findings of the assessment conducted pursuant
4 to subparagraph (A).

5 (3) ADDRESSING GAPS IN DATA.—During the
6 period a country is designated as a covered country
7 pursuant to section 8(a), the Secretary of State
8 shall—

9 (A) seek to engage with the foreign coun-
10 terparts of the government of such covered
11 country to improve the collection and sharing of
12 the forensic information of trafficked firearms
13 confiscated by the law enforcement agencies of
14 such covered country; and

15 (B) promptly provide any such forensic in-
16 formation shared pursuant to subparagraph (A)
17 to the relevant Federal, State, and local law en-
18 forcement agencies for use in criminal or civil
19 investigations into violations of relevant Federal
20 laws, including the Arms Export Control Act
21 (22 U.S.C. 2751 et seq.).

22 (d) ANNUAL REPORT.—

23 (1) DEFINED TERM.—In this subsection, the
24 term “the Secretary or the Secretaries concerned”
25 means—

1 (A) if a single Federal department or
2 agency has jurisdiction over the export control
3 of covered munitions, the head of such Federal
4 department or agency; or

5 (B) if multiple Federal departments or
6 agencies have jurisdiction over the export con-
7 trol of covered munitions, the head of each such
8 Federal department or agency.

9 (2) SUBMISSION.—Not later than 1 year after
10 the date of the enactment of this Act, and annually
11 thereafter, the Secretary or the Secretaries con-
12 cerned, in consultation with the heads of such other
13 Federal departments or agencies as the Secretary or
14 the Secretaries concerned determine to be relevant,
15 shall submit a report to the appropriate congress-
16 sional committees that describes the export of cov-
17 ered munitions to countries designated as covered
18 countries under section 8(a).

19 (3) MATTERS TO BE INCLUDED.—Each report
20 submitted pursuant to paragraph (2) shall include,
21 with respect to the year for which the report is sub-
22 mitted, and disaggregated by country—

23 (A) information regarding license applica-
24 tions approved or denied, and previously issued
25 licenses modified or revoked, for the export of

1 covered munitions to proposed recipients in
2 countries that have been designated as covered
3 countries pursuant to section 8(a);

4 (B) information regarding how evolving
5 country contexts, including with respect to de-
6 velopments in human rights, affected the ap-
7 proval of license applications for such exports;

8 (C) the number of licenses issued for the
9 export of covered munitions to proposed recipi-
10 ents in countries designated as covered coun-
11 tries pursuant to section 8(a);

12 (D) the number of covered munitions ex-
13 ported to recipients in countries designated as
14 covered countries pursuant to section 8(a);

15 (E) with respect to end-user checks for
16 covered munitions exported to recipients in cov-
17 ered countries conducted pursuant to section
18 38(g)(7) of the Arms Export Control Act (22
19 U.S.C. 2778(g)(7)) (commonly referred to as
20 the “Blue Lantern” program), the monitoring
21 program established under the second section
22 40A of the Arms Export Control Act (22
23 U.S.C. 2785), as added by section 150(a) of
24 Public Law 104–164, or any other applicable

1 program of the Department of Commerce or the
2 Department of State—

3 (i) the number of such end-user
4 checks requested;

5 (ii) the number of such end-user
6 checks conducted;

7 (iii) the type of such end-user checks
8 conducted; and

9 (iv) the results of such end-user
10 checks;

11 (F) information on the extent to which the
12 heads of the governments of countries des-
13 ignated as covered countries pursuant to section
14 8(a) shared with the Secretary or the Secre-
15 taries concerned and the heads of other relevant
16 Federal departments and agencies, such as the
17 Bureau of Alcohol, Tobacco, Firearms and Ex-
18 plosives, data relating to the receipt and end-
19 use of covered munitions exported from the
20 United States, and the type of data so shared;
21 and

22 (G) for each country designated as a cov-
23 ered country pursuant to section 8(a), a de-
24 scription of the United States funding and re-

1 sources allocated for the purpose of disrupting
2 trafficking of covered munitions.

3 **SEC. 6. INCREASING PARTICIPATION IN THE ETRACE PRO-**
4 **GRAM.**

5 (a) **DEFINED TERM.**—In this section, the term
6 “eTrace program” means the web-based firearms tracing
7 system of the Bureau of Alcohol, Tobacco, Firearms and
8 Explosives that is available to accredited domestic and
9 international law enforcement agencies to assist in the
10 tracing of United States-sourced firearms.

11 (b) **IN GENERAL.**—The Secretary of State, in coordi-
12 nation with the Director of the Bureau of Alcohol, To-
13 bacco, Firearms and Explosives, shall seek to work with
14 national and subnational law enforcement authorities of
15 countries designated as covered countries pursuant to sec-
16 tion 8(a) to increase participation by such authorities in
17 the eTrace program.

18 (c) **REPORT.**—Not later than 2 years after the date
19 of the enactment of this Act, the Secretary of State shall
20 submit a report to the appropriate congressional commit-
21 tees that—

22 (1) describes the implementation of subsection
23 (b); and

1 meets the requirements described in subsection (b) as a
2 covered country for purposes of this Act.

3 (b) REQUIREMENTS.—A country meets the require-
4 ments described in this subsection if the country—

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

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

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

11 (c) INITIAL DESIGNATIONS.—The Bahamas, Belize,
12 Brazil, Colombia, El Salvador, Guatemala, Honduras,
13 Mexico, Haiti, Jamaica, and Trinidad and Tobago—

14 (1) shall be deemed to have been designated as
15 covered countries by the Secretary of State as of the
16 date of the enactment of this Act; and

17 (2) shall continue to be designated as covered
18 countries during the 5-year period beginning on such
19 date of enactment.

20 (d) TERMINATION OF DESIGNATION.—The Secretary
21 of State may terminate the designation of any country as
22 a covered country if, not later than 180 days before such
23 termination, the Secretary submits a notification of such
24 termination to the appropriate congressional committees.

1 **SEC. 9. CERTIFICATION REQUIREMENTS RELATING TO**
2 **CERTAIN MUNITIONS EXPORTS.**

3 (a) INITIAL CERTIFICATION; PROHIBITION.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), a covered munition may not be trans-
6 ferred to the government of a country designated as
7 a covered country pursuant to section 8(a), or to any
8 organization, citizen, or resident of such covered
9 country, until the Secretary of State submits a writ-
10 ten certification to the appropriate congressional
11 committees stating the program required under sub-
12 section (c) has been established.

13 (2) WAIVER.—During the 1-year period begin-
14 ning on the effective date set forth in subsection (d),
15 the Secretary of State may waive the certification
16 requirement under paragraph (1) with respect to the
17 transfer of a covered munition to the government of
18 a covered country if the Secretary—

19 (A) certifies to the appropriate congres-
20 sional committees that such waiver is in the na-
21 tional security interest of the United States;
22 and

23 (B) includes a written justification for
24 such waiver with such certification.

25 (b) REVIEW AND RECERTIFICATION.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date on which the Secretary of State submits the
3 certification described in subsection (a)(1) with re-
4 spect to a covered country, and annually thereafter
5 until the designation of such country as a covered
6 country is terminated pursuant to section 8(d), the
7 Secretary shall review and submit to the appropriate
8 congressional committees a recertification of the es-
9 tablishment of the program required under sub-
10 section (c).

11 (2) PROHIBITION.—If the Secretary of State is
12 unable to recertify a covered country in accordance
13 with paragraph (1), no covered munition may be
14 transferred to the government of the covered coun-
15 try, or to any organization, citizen, or resident of
16 such covered country, until the date on which the
17 Secretary submits such recertification.

18 (c) PROGRAM.—

19 (1) ESTABLISHMENT.—The Secretary of State
20 shall establish and carry out a program under which
21 the Secretary—

22 (A) prohibits the retransfer of covered mu-
23 nitions that were transferred to countries des-
24 ignated as covered countries under section 8(a)
25 without the consent of the United States; and

1 (B) provides for the registration and end-
2 use monitoring of such covered munitions in ac-
3 cordance with the requirements described in
4 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 countries designated as covered
10 countries pursuant to section 8(a).

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

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

22 (3) REVIEW OF DATABASE.—In prohibiting the
23 retransfer of covered munitions without the consent
24 of the United States pursuant to the program re-
25 quired under paragraph (1), the Secretary of State,

1 in consultation with the Secretary of Commerce,
2 shall—

3 (A) review the database of the Department
4 of State that maintains records relating to vet-
5 ting 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, which is known as the “International
9 Vetting and Security Tracking-cloud system” or
10 the “INVEST system” (or any successor data-
11 base), for any such records relating to the pro-
12 spective recipients of such a retransfer; and

13 (B) ensure that the United States does not
14 consent to such retransfer to any such prospec-
15 tive recipient that the Secretary of State deter-
16 mines, after taking into account the findings of
17 the review required under subparagraph (A), is
18 credibly implicated in a gross violation of inter-
19 nationally recognized human rights.

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

23 (A) ensure that any data received pursuant
24 to such program is stored and maintained in a
25 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 other Federal de-
4 partments or agencies that the Secretary of
5 State determines to be 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)(1).

12 **SEC. 10. LIMITATION ON LICENSES AND OTHER AUTHOR-**
13 **IZATIONS FOR EXPORT OF CERTAIN ITEMS**
14 **REMOVED 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 a written certification to the appropriate congressional
22 committees with respect to such proposed export license
23 or other authorization that includes—

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 previously covered item;

3 (3) the name of the country or international or-
4 ganization to which the previously covered item will
5 be made;

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

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

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

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

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

24 (2) not later than 30 days before a proposed ex-
25 port license or other authorization is granted in the

1 case of a transfer of items to any country not re-
2 ferred to in paragraph (1).

3 (d) CONGRESSIONAL RESOLUTION OF DIS-
4 APPROVAL.—

5 (1) CERTAIN ALLIED COUNTRIES.—A proposed
6 export license or other authorization described in
7 subsection (c)(1) shall become effective after the end
8 of the 15-day period specified in such subsection if
9 Congress does not enact, within such period, a joint
10 resolution prohibiting the export of the covered item
11 for which the export license or other authorization
12 was proposed.

13 (2) OTHER COUNTRIES.—A proposed export li-
14 cense or other authorization described in subsection
15 (c)(2) shall become effective after the end of the 30-
16 day period specified in such subsection if Congress
17 does not enact, within such period, a joint resolution
18 prohibiting the export of the covered item for which
19 the export license or other authorization was pro-
20 posed.

21 **SEC. 11. PROHIBITION ON PROMOTION OF COVERED MUNI-**
22 **TIONS.**

23 The Secretary of Commerce is prohibited from—

24 (1) promoting the sale or export of covered mu-
25 nitions; or

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

○