118TH CONGRESS
1ST SESSION

H. R. ______

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

Mr. CASTRO of Texas introduced the following bill; which was referred to the Committee on ____________________________

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Americas Regional Monitoring of Arms Sales Act of 2023” or the “ARMAS Act of 2023”.

SEC. 2. FINDINGS.

Congress finds the following:
(1) Violence in Mexico, Central America, and the Caribbean is exacerbated by firearms originating in the United States.

(2) While firearms are trafficked to Mexico from a variety of countries, firearms originating in the United States account for 70 percent of the firearms recovered and traced from crimes in Mexico, according to the 2021 Government Accountability Office (GAO) report published by the Comptroller General of the United States titled ‘‘Firearms Trafficking: U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis’’.

(3) United States-origin firearm flows contribute to human rights violations, organized crime and gang violence, extrajudicial killings, high homicide rates, domestic violence, and femicides in Mexico, Central America, and the Caribbean.

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

(5) According to the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, firearms are used in 70 percent of homicides in the Caribbean com-
pared to 30 percent globally, and while the Caribbean constitutes less than one percent of the global population, it is responsible for 23 percent of all recorded homicides.

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

(7) The Caribbean Basin Security Initiative of the Department of State that commenced in 2009 is the regional foreign assistance program of the United States that seeks to reduce illicit trafficking in the Caribbean region and advance public safety and security. The program includes improving the capacity of Caribbean countries to intercept smuggled weapons at airports and seaports, as well as support for forensic ballistics and firearms destruction and stockpile management. Assistance under the Caribbean Basin Security Initiative has also included support for regional organizations, including—

(A) the Caribbean Community Implementation Agency for Crime and Security
(CARICOM IMPACS), based in Trinidad and Tobago, the lead agency involved in the issue of illicit firearms trafficking and increasing the capacity of member states to detect and prevent firearms trafficking; and

(B) the Eastern Caribbean’s Regional Security System, based in Barbados.

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

(9) In these reports, the Comptroller General found that Federal departments and agencies lacked information and analysis of the firearms trafficking networks in Mexico and Central America, that few efforts of the United States Government in the region focused on firearms trafficking, and that, as a result, such agencies lack a detailed understanding
of the firearms trafficking that fuels violence and enables criminals in Belize, El Salvador, Guatemala, Honduras, and Mexico.

(10) Firearms used to kidnap and kill a group of United States citizens traveling in Matamoros, Mexico were illegally smuggled from the United States into Mexico. The suspect in these killings admitted to federal agents that he purchased firearms in the United States, smuggled them across the border, and knowingly provided them to members of the Gulf Cartel.

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

(12) In the 2022 GAO report “Firearms Trafficking: More Information Needed to Inform U.S. Efforts in Central America”, the Comptroller General found that efforts of the United States Government focused on firearms trafficking in Belize, El Salvador, Guatemala, and Honduras lacked information about relevant country conditions and performance measures to ensure such efforts were designed
and implemented to achieve the intended objectives and, as a result, the Comptroller General recom-
mended that the Secretary of State obtain inform-
lation about the conditions in such countries, to support the development of effective programs to re-
duce the availability of illicit firearms.

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

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

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

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

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

(18) Since the Department of Commerce gained jurisdiction over the control of firearm export licensing, there has been a 30 percent increase in firearm exports in comparison to averages for such exports when the control of such exports was under the jurisdiction of the Department of State. The Secretary of Commerce has also approved 95 percent of license applications for such exports.

(19) According to the U.S. Census Bureau, Mexico, Guatemala, and Brazil have been among the top 10 destinations for United States-manufactured semiautomatic firearm exports.
(20) The proposed security cooperation plan titled “U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities” and other new initiatives to address root causes of migration from Central America offers an opportunity to reaffirm commitments and strengthen cooperation on addressing firearms trafficking.

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

(22) The Bipartisan Safer Communities Act (Public Law 117–159), which was enacted into law on June 25, 2022, implemented key efforts to address firearm trafficking, including by establishing a Federal criminal offense for firearm trafficking and by strengthening the capability of the Bureau of Alcohol, Tobacco, Firearms and Explosives to interdict firearms.
(23) A growing number of firearms exported by United States manufacturers are found involved in violent crimes worldwide. For instance, the pistol used in a mass shooting of 23 children and two teachers in Thailand in October 2022 was linked to a United States factory.

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

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

(1) the Secretary of Commerce shall transfer the control over the export of each previously covered item to the jurisdiction of the Department of State; and

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

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

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

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

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

(a) Report.—

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

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

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

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

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

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

(I) with appropriate counterparts
from the governments of such covered
countries; and
(II) between the relevant departments and agencies of the United States Government.

(ii) Ensuring the destruction of surplus firearms so exported.

(iii) Ensuring that firearms so exported are not used to commit extrajudicial killings or other gross violations of internationally recognized human rights.

(iv) Building the capacity of such covered countries to prevent the trafficking of firearms so exported, including through current programs supported or implemented by the United States Government.

(v) Tracking and verifying information regarding the end-users of firearms obtained in the United States and illegally trafficked to such covered countries.

(vi) Combating all forms of cross-border smuggling of firearms from the United States, including via maritime vessels and aircraft.

(vii) Engaging with subnational government officials in such covered countries to effectively implement and enforce agree-
ments relating to the trafficking of firearms that have been concluded between the United States Government and the national government of the respective covered country.

(viii) Identifying the origin of trafficked firearms, including through the serial numbers of trafficked firearms, and sharing such information with relevant law enforcement agencies of—

(I) the United States;

(II) the respective covered country; and

(III) any other country determined relevant for purposes of such information sharing.

(ix) Implementing the proposed security cooperation plan titled “U.S.-Mexico Bicentennial Framework for Security, Public Heath, and Safe Communities”, and any successor or subsequent bilateral agreements on combating firearm trafficking, transnational organizations, or fentanyl.
Cooperating with other relevant Federal departments and agencies, including the Attorney General, the Secretary of Homeland Security, and the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, to combat firearms trafficking and prosecute illegal firearm smugglers.

(B) An assessment of the results of the efforts identified pursuant to subparagraph (A).

(C) A description of how homicides, extrajudicial killings, and other gross violations of internationally recognized human rights committed in such covered countries using firearms exported from or obtained in the United States have been investigated.

(b) INTER-AGENCY STRATEGY.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, taking into account the findings of the report under subsection (a), shall jointly develop an inter-agency strategy for the disruption of the trafficking of firearms exported from the United States to recipients in countries designated as covered countries under section 5.
(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

(A) A plan for the United States to accomplish each of the objectives specified in subsection (a)(2)(A).

(B) An identification of specific performance measures, targets (including the baselines for such targets), and timelines with respect to such objectives.

(C) An estimate of the resources and personnel necessary to carry out the strategy.

(D) A plan for cooperation between the Secretary of State, the Secretary of Commerce, and the heads of any other Federal departments or agencies involved in anti-firearm trafficking efforts, including the Attorney General, the Secretary of Homeland Security, and the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

(E) A plan for coordination between the Secretary of State, the Secretary of Commerce, and such heads regarding efforts in countries designated as covered countries under section 5 to combat the trafficking of United States-sourced firearms—
(i) from the United States to such
designated countries; and

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

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

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

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

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

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

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

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

(2) ADDRESSING GAPS IN DATA.—For the dura-
tion of the period during which a country is des-
ignated as a covered country under section 5, the
Secretary of State shall—
(A) seek to engage with the foreign counterparts of the government of such country to improve the collection and sharing of the forensic information of trafficked firearms confiscated by the law enforcement agencies of such country; and

(B) promptly provide any such forensic information shared pursuant to subparagraph (A) to the relevant Federal, State, and local law enforcement agencies for purposes of use in criminal or civil investigations into violations of relevant United States Federal laws, including the Arms Export Control Act.

(3) FORENSIC INFORMATION DEFINED.—In this subsection, the term “forensic information”, with respect to a trafficked firearm, includes—

(A) the serial number of the firearm; and

(B) any other information that may be used to identify the origin of the firearm or any person or organization involved in the trafficking of the firearm.

(d) ANNUAL REPORT.—

(1) SUBMISSION.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary or Secretaries concerned
(in consultation with the heads of such other Federal departments or agencies as the Secretary or Secretaries concerned may determine relevant) shall submit to the appropriate congressional committees a report on the export of covered munitions to countries designated as covered countries under section 5.

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

(A) Information regarding license applications approved or denied, and previously issued licenses modified or revoked, for the export of covered munitions to proposed recipients in covered countries.

(B) Information regarding how evolving country contexts, including with respect to developments in human rights, affected the approval of license applications for such exports.

(C) The number of licenses issued for the export of covered munitions to proposed recipients in covered countries.

(D) The number of covered munitions exported to recipients in covered countries.
(E) With respect to end-user checks for covered munitions exported to recipients in covered countries under section 38(g)(7) of the Arms Export Control Act (22 U.S.C. 2778(g)(7)) (commonly referred to as the “Blue Lantern” program), the monitoring program established under the second section 40A of the Arms Export Control Act (22 U.S.C. 2785) (as added by section 150(a) of Public Law 104–164), or other applicable programs of the Department of Commerce or Department of State, the following information:

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

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

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

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

(F) Information on the extent to which the heads of the governments of covered countries shared with the Secretary or Secretaries concerned and the heads of other relevant Federal 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. DESIGNATION OF COVERED COUNTRIES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall designate each country that the Secretary determines meets the requirements under subsection (b) as a covered country for purposes of this Act.
(b) REQUIREMENTS.—A country meets the requirements under this subsection if the country—

(1) is located in North America, South America, or the Caribbean;

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

(3) meets such other requirements as the Secretary may determine appropriate.

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

(1) shall be deemed to have been so designated by the Secretary of State as of the date of the enactment of this Act; and

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

(d) TERMINATION OF DESIGNATION.—Subject to subsection (e)(2), the Secretary of State may terminate the designation of a country under this section only if, at least 180 days prior to such termination, the Secretary submits to the appropriate congressional committees a notification of such termination.
SEC. 6. CERTIFICATION REQUIREMENTS RELATING TO CERTAIN MUNITIONS EXPORTS.

(a) INITIAL CERTIFICATION; PROHIBITION.—

(1) In general.—Except as provided in paragraph (2), no covered munition may be transferred to the government of a country designated as a covered country under section 5, or any other organization, citizen, or resident of such covered country, until the Secretary of State submits to the appropriate congressional committees a certification that the program required under subsection (c) has been established.

(2) Waiver.—For the one-year period beginning on the effective date of this section described in subsection (d), the Secretary of State may waive the certification requirement under paragraph (1) with respect to the transfer of a covered munition to the government of a country described in paragraph (1) if the Secretary certifies to the appropriate congressional committees that such waiver is in the national security interest of the United States and includes a written justification with the certification.

(b) REVIEW AND RECERTIFICATION.—

(1) In general.—Not later than 3 years after the date of the submission of the certification under subsection (a) for a country designated as a covered
country under section 5, and annually thereafter until such time as the designation is terminated, the Secretary of State shall review, and submit to the appropriate congressional committees a recertification of, such certification.

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

(c) PROGRAM.—

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

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

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

(C) The conduct of a program for the end-use monitoring of covered munitions transferred to the entities and individuals described in subparagraph (B).

(2) REVIEW OF DATABASE.—In prohibiting the retransfer of covered munitions without the consent of the United States pursuant to the program under paragraph (1), the Secretary of State, in consultation with the Secretary of Commerce, shall—

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

    (B) ensure that such consent is not granted for any such prospective recipient who the Secretary of State determines, taking into account the review under subparagraph (A), is credibly implicated in a gross violation of internationally recognized human rights.

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

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

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

(d) EFFECTIVE DATE.—This section shall take effect on the date that is 1 year after the date on which the Secretary of Commerce completes the transfer of the control over the export of previously covered items to the jurisdiction of the Department of State under section 3(a).
SEC. 7. 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.

(a) IN GENERAL.—The Secretary of State may not grant a license or other authorization for the export of a previously covered item the control over the export of which the Secretary of Commerce has transferred to the jurisdiction of the Department of State under section 3(a) unless, before granting the license or other authorization, the Secretary submits to the chairman and ranking member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking member of the Committee on Foreign Affairs of the Senate a written certification with respect to such proposed export license or other authorization containing—

(1) the name of the person applying for the license or other authorization;

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

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

(4) a description of the items proposed to be exported; and
(5) the value of the items proposed to be exported.

(b) Form.—A certification required under subsection (a) shall be submitted in unclassified form, except that information regarding the dollar value and number of items proposed to be exported may be restricted from public disclosure if such disclosure would be detrimental to the security of the United States.

(c) Deadlines.—A certification required under subsection (a) shall be submitted—

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

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

(d) Congressional Resolution of Disapproval.—A proposed export license or other authorization described in paragraph (1) of subsection (c) shall become effective after the end of the 15-day period described in such paragraph, and a proposed export license or other authorization described in paragraph (2) of subsection (c)
shall become effective after the end of the 30-day period specified in such paragraph, only if the Congress does not enact, within the applicable time period, a joint resolution prohibiting the export of the covered item for which the export license or other authorization was proposed.

SEC. 8. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

(A) Any previously covered item.

(B) Any item that, following the date of the enactment of this Act, is designated for control under Category I, II, or III of the United States Munitions List pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) or otherwise subject to control under any such category.
(3) Previously covered item.—The term “previously covered item” means any item that—

(A) as of March 8, 2020, was included in Category I, II, or III of the United States Munitions List; and

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

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

(5) Gross violations of internationally recognized human rights.—The term “gross violations of internationally recognized human rights” has the meaning given that term in section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)).

(6) Security assistance.—The term “security assistance” includes—

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

(B) assistance furnished under an international security assistance program of the United States conducted under any other provision of law, including under the authorities
under chapter 16 of title 10, United States Code.

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