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(Original Signature of Member)

119TH 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.

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**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.

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”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       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.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

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

16 (3) United States-origin firearm flows con-  
17 tribute to human rights violations, organized crime  
18 and gang violence, extrajudicial killings, high homi-

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, firearms are used  
9       in 70 percent of homicides in the Caribbean com-  
10      pared to 30 percent globally, and while the Carib-  
11      bean constitutes less than one percent of the global  
12      population, it is responsible for 23 percent of all re-  
13      corded homicides.

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

20          (7) The Caribbean Basin Security Initiative of  
21      the Department of State that commenced in 2009 is  
22      the regional foreign assistance program of the  
23      United States that seeks to reduce illicit trafficking  
24      in the Caribbean region and advance public safety  
25      and security. The program includes improving the

1 capacity of Caribbean countries to intercept smug-  
2 gled weapons at airports and seaports, as well as  
3 support for forensic ballistics and firearms destruc-  
4 tion and stockpile management. Assistance under  
5 the Caribbean Basin Security Initiative has also in-  
6 cluded support for regional organizations, includ-  
7 ing—

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

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

17 (8) Two GAO reports (published in 2021 and  
18 2022, respectively) on firearms trafficking have af-  
19 firmed that firearms trafficking to Mexico and Cen-  
20 tral America continues to represent a security con-  
21 cern to the United States, as United States-origin  
22 firearms are diverted from legitimate owners and  
23 end up in the hands of violent criminals, including  
24 drug traffickers and other transnational criminal or-  
25 ganizations. A GAO report on the effect of firearms

1 trafficking in the Caribbean has not yet been com-  
2 piled.

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

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

21 (11) As the incident specified in paragraph (11)  
22 demonstrates, United States-sourced firearms are  
23 being smuggled and diverted to cartels implicated in  
24 the supply and flow of illegal fentanyl and other

1 dangerous drugs, threatening the public health and  
2 safety of United States citizens.

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

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

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

24 (15) In 2021 and 2022, the annual Country  
25 Reports on Human Rights Practices of the Depart-

1       ment of State included “unlawful and arbitrary  
2       killings” as a significant human rights issue in Gua-  
3       temala, yet despite such inclusion, the Under Sec-  
4       retary of Commerce for Industry and Security has  
5       authorized approximately 99,270 firearms exports to  
6       Guatemala since assuming responsibility for firearms  
7       licensing in 2020.

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

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

23          (18) Since the Department of Commerce gained  
24      jurisdiction over the control of firearm export licens-  
25      ing, there has been a 30 percent increase in firearm

1 exports in comparison to averages for such exports  
2 when the control of such exports was under the ju-  
3 risdiction of the Department of State. The Secretary  
4 of Commerce has also approved 95 percent of license  
5 applications for such exports.

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

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

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



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

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

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

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

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

18           (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall 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 an item as specified in subsection (a).

24           (d) PROHIBITION ON PROMOTION OF CERTAIN MUNI-  
25 TIONS EXPORTS BY DEPARTMENT OF COMMERCE.—The  
26 Secretary of Commerce may not take any actions to pro-

1   mote the export of any previously covered item, including  
2   actions before, on, or after the date on which the Secretary  
3   transfers the control over the export of the previously cov-  
4   ered item to the jurisdiction of the Department State  
5   under subsection (a).

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

10   (a) REPORT.—

11           (1) SUBMISSION.—Not later than 180 days  
12   after the date of the enactment of this Act, 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 may de-  
18   termine relevant) shall submit to the appropriate  
19   congressional committees a report on the efforts of  
20   the Secretary of State and the heads of other rel-  
21   evant Federal departments and agencies to disrupt  
22   the following:

23           (A) The illegal export or diversion of fire-  
24   arms from the United States to unauthorized  
25   recipients in countries designated as covered

1 countries under section 7 (including through  
2 unauthorized third-party transfers).

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

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

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

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

16 (I) with appropriate counterparts  
17 from the governments of such covered  
18 countries; and

19 (II) between the relevant depart-  
20 ments and agencies of the United  
21 States Government.

22 (ii) Ensuring the destruction of sur-  
23 plus firearms so exported.

24 (iii) Ensuring that firearms so ex-  
25 ported are not used to commit extrajudicial

1 killings or other gross violations of inter-  
2 nationally recognized human rights.

3 (iv) Building the capacity of such cov-  
4 ered countries to prevent the trafficking of  
5 firearms so exported, including through  
6 current programs supported or imple-  
7 mented by the United States Government.

8 (v) Tracking and verifying informa-  
9 tion regarding the end-users of firearms  
10 obtained in the United States and illegally  
11 trafficked to such covered countries.

12 (vi) Combating all forms of cross-bor-  
13 der smuggling of firearms from the United  
14 States, including via maritime vessels and  
15 aircraft.

16 (vii) Engaging with subnational gov-  
17 ernment officials in such covered countries  
18 to effectively implement and enforce agree-  
19 ments relating to the trafficking of fire-  
20 arms that have been concluded between the  
21 United States Government and the na-  
22 tional government of the respective covered  
23 country.

24 (viii) Identifying the origin of traf-  
25 ficked firearms, including through the se-

1           rial numbers of trafficked firearms, and  
2           sharing such information with relevant law  
3           enforcement agencies of—

4                       (I) the United States;

5                       (II) the respective covered coun-  
6           try; and

7                       (III) any other country deter-  
8           mined relevant for purposes of such  
9           information sharing.

10           (ix) Implementing the proposed secu-  
11           rity cooperation plan titled “U.S.-Mexico  
12           Bicentennial Framework for Security, Pub-  
13           lic Health, and Safe Communities”, and  
14           any successor or subsequent bilateral  
15           agreements on combating firearm traf-  
16           ficking, transnational organizations, or  
17           fentanyl.

18           (x) Cooperating with other relevant  
19           Federal departments and agencies, includ-  
20           ing the Attorney General, the Secretary of  
21           Homeland Security, and the Director of  
22           the Bureau of Alcohol, Tobacco, Firearms,  
23           and Explosives, to combat firearms traf-  
24           ficking and prosecute illegal firearm smug-  
25           glers.

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

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

9 (b) INTER-AGENCY STRATEGY.—

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

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

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

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

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

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

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

13 (E) A plan for coordination between the  
14 Secretary of State, the Secretary of Commerce,  
15 and such heads regarding efforts in countries  
16 designated as covered countries under section 7  
17 to combat the trafficking of United States-  
18 sourced firearms—

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

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

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

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

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

13 (C) seek to consult with appropriate coun-  
14 terparts from the government of each country  
15 designated as a covered country under section  
16 7.

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

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

24 (1) ASSESSMENT OF DATA AVAILABILITY.—Not  
25 later than 180 days after the date on which a coun-



1 try is designated (or the deemed to be designated,  
2 as the case may be), under section 7, the Secretary  
3 of State, in consultation with the Secretary of Com-  
4 merce, the Attorney General, the Director of the Bu-  
5 reau of Alcohol, Tobacco, Firearms and Explosives,  
6 and the heads of such other Federal departments or  
7 agencies as the Secretary of State may determine  
8 relevant, shall conduct and submit to the Committee  
9 on Foreign Affairs of the House of Representatives  
10 and the Committee on Foreign Relations of the Sen-  
11 ate an assessment of the extent to which the law en-  
12 forcement agencies of that designated country make  
13 available to the United States Government forensic  
14 information of trafficked firearms.

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

19 (A) seek to engage with the foreign coun-  
20 terparts of the government of such country to  
21 improve the collection and sharing of the foren-  
22 sic information of trafficked firearms con-  
23 fiscated by the law enforcement agencies of  
24 such country; and

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

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

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

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

16 (d) ANNUAL REPORT.—

17 (1) SUBMISSION.—Not later than one year after  
18 the date of the enactment of this Act, and annually  
19 thereafter, the Secretary or Secretaries concerned  
20 (in consultation with the heads of such other Fed-  
21 eral departments or agencies as the Secretary or  
22 Secretaries concerned may determine relevant) shall  
23 submit to the appropriate congressional committees  
24 a report on the export of covered munitions to coun-

1 tries designated as covered countries under section  
2 7.

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

7 (A) Information regarding license applica-  
8 tions approved or denied, and previously issued  
9 licenses modified or revoked, for the export of  
10 covered munitions to proposed recipients in cov-  
11 ered countries.

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

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

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

21 (E) With respect to end-user checks for  
22 covered munitions exported to recipients in cov-  
23 ered countries under section 38(g)(7) of the  
24 Arms Export Control Act (22 U.S.C.  
25 2778(g)(7)) (commonly referred to as the “Blue

1           Lantern” program), the monitoring program es-  
2           tablished under the second section 40A of the  
3           Arms Export Control Act (22 U.S.C. 2785) (as  
4           added by section 150(a) of Public Law 104–  
5           164), or other applicable programs of the De-  
6           partment of Commerce or Department of State,  
7           the following information:

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

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

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

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

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

1 (G) For each covered country, a descrip-  
2 tion of the United States funding and resources  
3 allocated for the purpose of disrupting traf-  
4 ficking of covered munitions.

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

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

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

16 **SEC. 5. INCREASING PARTICIPATION IN THE ETRACE PRO-**  
17 **GRAM.**

18 (a) IN GENERAL.—The Secretary of State, in coordi-  
19 nation with the Director of the Bureau of Alcohol, To-  
20 bacco, Firearms, and Explosives, shall seek to work with  
21 national and sub-national law enforcement authorities of  
22 countries designated as covered countries under section 7  
23 in order to increase participation by such authorities in  
24 the eTrace program.

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

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

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

17 (e) DEFINITION OF ETRACE PROGRAM.—In this sec-  
18 tion, the term “eTrace program” means the web-based  
19 firearms tracing system of the Bureau of Alcohol, To-  
20 bacco, Firearms, and Explosives that is available to ac-  
21 credited domestic and international law enforcement agen-  
22 cies to assist in the tracing of United States-sourced fire-  
23 arms.

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  
24 maintained pursuant to part 121 of title 22, Code  
25 of Federal Regulations.