

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.

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## 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

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## 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



on June 25, 2022, implemented key efforts to address firearm trafficking, including by—

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

(B) strengthening the capability of the Bureau of Alcohol, Tobacco, Firearms and Explosives to interdict firearms.

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

**SEC. 3. DEFINITIONS.**

In this Act:

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

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

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

(C) the Committee on Foreign Affairs of 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           mittee on Foreign Affairs of the House of Rep-  
2           resentatives 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 congres-  
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           (2) identifies the number of firearms traced to  
2           a purchase or export that resulted in a Federal in-  
3           vestigation and prosecution.

4           (d) HAITI.—The Director of the Bureau of Alcohol,  
5           Tobacco, Firearms and Explosives shall ensure the eTrace  
6           program is available in the French and Haitian Creole lan-  
7           guages to enhance the use of the program by law enforce-  
8           ment authorities in Haiti.

9           (e) AUTHORIZATION OF APPROPRIATION.—Amounts  
10          authorized to be appropriated to carry out chapter 8 of  
11          part I of the Foreign Assistance Act of 1961 (22 U.S.C.  
12          2291 et seq.; relating to international narcotics control as-  
13          sistance) are authorized to be made available to carry out  
14          this section.

15       **SEC. 7. MODIFICATIONS TO THE CARIBBEAN BASIN SECU-**  
16                               **RITY INITIATIVE.**

17          The Secretary of State shall develop an updated Re-  
18          sults Framework for the Caribbean Basin Security Initia-  
19          tive that establishes specific indicators relating to the traf-  
20          ficking of firearms.

21       **SEC. 8. DESIGNATION OF COVERED COUNTRIES.**

22          (a) IN GENERAL.—Not later than 180 days after the  
23          date of the enactment of this Act, the Secretary of State  
24          shall designate each country the Secretary determines

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.

