

119TH CONGRESS
2D SESSION

S. 5082

To amend the Arms Export Control Act to provide for better monitoring and verification of the use of defense articles and defense services by countries of concern, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2026

Mrs. MURRAY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Arms Export Control Act to provide for better monitoring and verification of the use of defense articles and defense services by countries of concern, 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.**

4 This Act may be cited as the “Values in Arms Export
5 Act of 2026”.

1 **SEC. 2. MONITORING AND VERIFICATION OF USE OF DE-**
 2 **FENSE ARTICLES AND DEFENSE SERVICES.**

3 (a) PURPOSES FOR WHICH MILITARY SALES BY THE
 4 UNITED STATES ARE AUTHORIZED.—Section 4 of the
 5 Arms Export Control Act (22 U.S.C. 2754) is amended—

6 (1) by inserting “(a) IN GENERAL.—” before
 7 “Defense articles”; and

8 (2) by inserting at the end the following new
 9 subsection:

10 “(b) UNITED STATES POLICY.—It is the policy of the
 11 United States that a foreign government’s respect for and
 12 compliance with internationally recognized human rights
 13 and international humanitarian law are central and decid-
 14 ing factors in determining the eligibility of the foreign gov-
 15 ernment to purchase defense articles or defense services
 16 under this Act.”.

17 (b) MONITORING AND VERIFICATION.—Chapter 3A
 18 of the Arms Export Control Act (22 U.S.C. 2785) is
 19 amended—

20 (1) by redesignating the second section des-
 21 ignated section 40A as section 40B; and

22 (2) by inserting after section 40B, as so redес-
 23 ignated, the following new section:

24 **“SEC. 40C. MONITORING AND VERIFICATION OF USE OF DE-**
 25 **FENSE ARTICLES AND DEFENSE SERVICES.**

26 “(a) STATEMENT OF POLICY.—

1 “(1) IN GENERAL.—It is the policy of the
2 United States that a foreign government’s respect
3 for and compliance with internationally recognized
4 human rights and international humanitarian law
5 are central and deciding factors in determining the
6 eligibility of the foreign government to purchase de-
7 fense articles or defense services under this Act.

8 “(2) EXAMPLES OF INCONSISTENT ACTIONS
9 AND BEHAVIORS.—Actions or behaviors by a foreign
10 government or its officers or agents inconsistent
11 with the policy described in paragraph (1) include
12 the following:

13 “(A) Gross violations of internationally
14 recognized human rights (as defined in section
15 502B(d) of the Foreign Assistance Act of 1961
16 (22 U.S.C. 2304(d))).

17 “(B) Failure to adhere to standards of
18 proportionality, distinction, and discrimination.

19 “(C) Patterns or egregious incidents of de-
20 struction or damage of medical facilities or
21 other civilian objects.

22 “(D) Patterns or egregious incidents of
23 harm or disregard for the safety of medical per-
24 sonnel, aid workers, peacekeepers, or journal-
25 ists.

1 “(E) Patterns or egregious incidents of
2 harm or disregard for the safety of civilians.

3 “(F) Prohibition or restriction, directly or
4 indirectly, of the transport or delivery of hu-
5 manitarian assistance.

6 “(G) Gross or systemic corruption, lack of
7 transparency, or lack of accountability in the
8 government, including among security forces.

9 “(3) REPORTING OF INCONSISTENT ACTIONS
10 AND BEHAVIORS.—

11 “(A) REPORTS BY OFFICERS OR EMPLOY-
12 EES OF UNITED STATES.—Any officer or em-
13 ployee of the United States Government with
14 knowledge of action or behavior by a foreign
15 government or its officers or agents that is in-
16 consistent with the policy described in para-
17 graph (1) shall report the action or behavior to
18 the chief of mission (as defined in section 102
19 of the Foreign Service Act of 1980 (22 U.S.C.
20 3902)) for that country.

21 “(B) REPORTS FROM EXTERNAL
22 SOURCES.—The Secretary of State shall estab-
23 lish and periodically update written procedures
24 to facilitate receipt by the Department of State
25 and United States foreign missions of credible

1 information about information inconsistent with
2 the policy described in paragraph (1) from indi-
3 viduals outside the United States Government.

4 “(C) RECORDKEEPING.—The Secretary of
5 State shall ensure information received under
6 subparagraphs (A) and (B) is stored with ap-
7 propriate confidentiality and protection meas-
8 ures in a centrally managed, searchable data-
9 base to be utilized for purposes of compliance
10 with section 620M of the Foreign Assistance
11 Act of 1961 (22 U.S.C. 2378d) and similar pro-
12 visions of law and policy restricting assistance
13 for foreign security forces.

14 “(4) INCLUSION IN INTELLIGENCE PRIOR-
15 ITIES.—The Director of National Intelligence shall
16 ensure that collection and analysis of information re-
17 lated to the policy described in this subsection is in-
18 cluded in each National Intelligence Priorities
19 Framework, or any successor directive.

20 “(b) MONITORING AND VERIFICATION PROGRAM.—

21 “(1) IN GENERAL.—The President shall carry
22 out a program of monitoring and verification of the
23 use of defense articles and defense services acquired
24 under this Act by countries of concern.

1 “(2) ELEMENTS.—The program established
2 under this subsection shall include the following ele-
3 ments:

4 “(A) The observation and evaluation by
5 United States Government personnel, including
6 contractors and members of the United States
7 Armed Forces, as appropriate, of the targeting
8 process used by the country of concern, the em-
9 ployment of the acquired defense articles by the
10 country of concern, the return of any unused
11 defense articles, and the post-use assessment of
12 damage and casualties.

13 “(B) Employment by the President of di-
14 rect observation, real-time video feeds, other
15 real-time sensory data and collection methods,
16 and other relevant and reliable sources of infor-
17 mation from media, nongovernmental organiza-
18 tions, and other entities.

19 “(3) AVAILABILITY AND USE OF INFORMA-
20 TION.—

21 “(A) IN GENERAL.—All information col-
22 lected or evaluated as part of the program es-
23 tablished under this subsection shall be made
24 available to the Secretary of State, the appro-
25 priate congressional committees, and the

Human Rights and Law of War Oversight Board established under section 4 of the Values in Arms Export Act of 2026.

“(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ‘appropriate congressional committees’ means—

“(i) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

“(ii) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

“(4) SEPARATE BUDGETARY LINE ITEM.—The Secretary of Defense and the Secretary of State shall include in the budget justification materials submitted to Congress in support of the Department of Defense and the Department of State budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required for the program established under this subsection.

1 “(5) FUNDING.—Funding to carry out the re-
2 quirements of this section shall be derived from
3 amounts collected under section 21. The President
4 shall ensure such charges pursuant to such section
5 are sufficient to fully meet all requirements of this
6 section without cost to the United States Govern-
7 ment.

8 “(c) EVALUATION BY THE SECRETARY OF STATE.—

9 “(1) CONSIDERATION OF INFORMATION.—The
10 Secretary of State—

11 “(A) shall consistently review all relevant
12 information related to a country of concern to
13 determine whether its government or its officers
14 or agents have engaged in any action or behav-
15 ior inconsistent with the policy described in sub-
16 section (a)(1), including—

17 “(i) information gathered through the
18 program established under subsection (b);

19 “(ii) information from any agency of
20 the United States Government;

21 “(iii) information referred by Mem-
22 bers of Congress; and

23 “(iv) credible reports or information
24 gathered by members of the media, non-
25 governmental organizations, foreign gov-

ernments, international organizations, or
academic experts; and

“(B) may consider exculpatory information
proffered by the foreign government if—

“(i) the information can be independently authenticated by the United States;

“(ii) the foreign government provides access to all information in its possession about alleged incidents of the use of security forces of the foreign government in a manner that is inconsistent with the policy described in subsection (a)(1);

“(iii) the foreign government is assessed to be forthcoming in providing access to all information; and

“(iv) there is no evidence that the foreign government has attempted to obstruct investigations by independent parties.

“(2) DETERMINATIONS REQUIRED.—In each case in which a country of concern may have engaged in an action or behavior inconsistent with the policy described in subsection (a)(1), the Secretary of State, based on United States standards and policy for the conduct of the United States Armed Forces or international law, as applicable, shall

1 make a determination as to the legality and appro-
2 priateness of—

3 “(A) the action or behavior; and

4 “(B) the employment of defense articles or
5 defense services acquired under this Act in the
6 action or behavior.

7 “(d) DESIGNATION OF COUNTRIES OF CONCERN.—

8 “(1) COUNTRY OF CONCERN DEFINED.—In this
9 section, the term ‘country of concern’ means—

10 “(A) a foreign government designated as a
11 country of concern by the President, the Sec-
12 retary of State, the Secretary of Defense, or the
13 Human Rights and Law of War Oversight
14 Board established under section 4 of the Values
15 in Arms Export Act of 2026;

16 “(B) a foreign government designated as a
17 country of concern by law or by Congress
18 through the adoption of a concurrent resolution;
19 or

20 “(C) any foreign government with respect
21 to which the United States has determined that
22 one or more units of the security forces of the
23 foreign government is ineligible for assistance
24 pursuant to section 620M of the Foreign As-
25 sistance Act of 1961 (22 U.S.C. 2378d) or sec-

1 tion 362 of title 10, United States Code, not-
2 withstanding any waiver exercised under such
3 sections.

4 “(2) DURATION OF DESIGNATION.—The des-
5 ignation of a foreign government as a country of
6 concern under paragraph (1)—

7 “(A) shall remain in effect for a period of
8 three years; and

9 “(B) may be renewed, before the previous
10 designation expires, in any manner in which a
11 designation may be made under paragraph (1).

12 “(3) EXPEDITED PROCEDURES.—

13 “(A) CONSIDERATION IN SENATE.—Any
14 bill, joint resolution, or concurrent resolution
15 designating a foreign government as a country
16 of concern under paragraph (1)(B) or termi-
17 nating a country of concern’s ineligibility period
18 shall be considered in the Senate in accordance
19 with the provisions of section 601(b) of the
20 International Security Assistance and Arms Ex-
21 port Control Act of 1976 (Public Law 94–329;
22 90 Stat. 765).

23 “(B) CONSIDERATION IN HOUSE OF REP-
24 RESENTATIVES.—For the purpose of expediting
25 the consideration of bills, joint resolutions, or

1 concurrent resolutions designating a foreign
2 government as a country of concern under para-
3 graph (1)(B) or terminating a country of con-
4 cern's ineligibility period, a motion to proceed
5 to the consideration of any such bill, joint reso-
6 lution, or concurrent resolution after it has
7 been reported by the appropriate committee
8 shall be treated as highly privileged in the
9 House of Representatives.

10 “(e) INELIGIBILITY FOR SALES AND TRANSFERS.—

11 “(1) IMMEDIATE LIMITED INELIGIBILITY UPON
12 INITIAL DESIGNATION.—A foreign government shall
13 be ineligible for sale or transfer of a covered defense
14 article under this Act for a three-year period begin-
15 ning on the date the foreign government is des-
16 ignated a country of concern.

17 “(2) IN GENERAL.—A foreign government shall
18 be ineligible for sale or transfer of defense articles
19 (including spare parts for such articles) or defense
20 services, or the extension of credit (including partici-
21 pation in the extension of credit) or loan guarantees
22 under this Act, for a 10-year period beginning on,
23 and shall immediately discontinue the use of, or re-
24 turn to the United States, any covered defense arti-
25 cles in its possession effective as of, the date—

1 “(A) the foreign government is designated
2 a country of concern under subsection (d) for
3 the second time in a 10-year period;

4 “(B) the Secretary of State, in consulta-
5 tion with the Secretary of Defense, determines
6 that the foreign government, at the end of the
7 three-year designation period under subsection
8 (d)(2), has failed to demonstrate sufficient im-
9 provement in adherence to the policy described
10 in subsection (a)(1); or

11 “(C) during the three-year designation pe-
12 riod under subsection (d)(2), the foreign gov-
13 ernment engages in an action or behavior incon-
14 sistent with the policy described in subsection
15 (a)(1).

16 “(3) RESTORATION OF ELIGIBILITY.—A foreign
17 government may qualify for early termination of the
18 ineligibility period under paragraphs (1) or (2)—

19 “(A) if the Secretary of State determines
20 and reports to Congress that the foreign gov-
21 ernment has taken meaningful steps to correct
22 the deficiencies upon which such ineligibility is
23 based, which shall include—

24 “(i) enacting and enforcing new laws
25 or policy;

1 “(ii) substantial remedial training for
2 government officials and members of the
3 military or security forces;

4 “(iii) in the case of organized armed
5 groups that are not part of the formal
6 chain of command for regular and irreg-
7 ular forces of the foreign government, but
8 that are controlled or supported by the for-
9 eign government to any degree, taking ac-
10 tions to cease any support for or affiliation
11 with those organizations or to cause them
12 to cease participation in hostilities; and

13 “(iv) fully investigating and holding
14 accountable individuals at any level who
15 were responsible for a violation of inter-
16 nationally recognized human rights or
17 international humanitarian law; and

18 “(B) upon the enactment of a joint resolu-
19 tion approving such early termination of ineligi-
20 bility.

21 “(4) WAIVER FOR VALID TRAINING.—

22 “(A) IN GENERAL.—The President may
23 waive the application of this subsection to
24 International Military Education and Training
25 (IMET) assistance or training provided by any

United States Government agency, and carried out by United States Government personnel, focused on internationally recognized human rights, international humanitarian law, anticorruption, or similar issues.

“(B) LIMITATION ON SCOPE OF WAIVER.—

In no case may a waiver under subparagraph (A) extend to cover operations that are part of any armed conflict or any activity that would be subject to the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(5) COVERED DEFENSE ARTICLE DEFINED.—

In this subsection, the term ‘covered defense article’ means—

“(A) any defense article in the same category of the United States Munitions List as a defense article determined to have been involved in the foreign government’s designation as a country of concern; and

“(B) any spare parts or services related to the defense article determined to have been involved in the foreign government’s designation as a country of concern.

“(f) REQUIRED AGREEMENT TERMS.—Any agreement for the transfer of defense articles or defense serv-

1 ices under this Act entered into after the date of the enact-
 2 ment of this section shall include terms requiring the for-
 3 eign government receiving such articles or services to
 4 agree to the requirements of this section and to permit
 5 and fully cooperate with any investigation by United
 6 States Government personnel into an action or behavior
 7 by the foreign government that may be inconsistent with
 8 the policy described in subsection (a)(1). No such sale or
 9 transfer shall be permitted without inclusion of such re-
 10 quirements.

11 “(g) REPORTS REQUIRED.—

12 “(1) IN GENERAL.—Not later than 180 days
 13 after the date of the enactment of this section, and
 14 every 180 days thereafter, the Secretary of State
 15 shall submit to Congress a report that includes—

16 “(A) an assessment of whether each coun-
 17 try of concern has engaged in actions or behav-
 18 iors inconsistent with the policy described in
 19 subsection (a)(1) during the 180-day period
 20 preceding submission of the report, including
 21 any progress in improving, or worsening of,
 22 such actions or behaviors of that foreign gov-
 23 ernment;

1 “(B) an identification of each country of
2 concern for which, during the 180-day period
3 following submission of the report—

4 “(i) the designation of the foreign
5 government as a country of concern will
6 expire;

7 “(ii) more than 10 years will have
8 elapsed following the designation of the
9 foreign government as a country of con-
10 cern; or

11 “(iii) a 10-year ineligibility period
12 under subsection (e) will expire;

13 “(C) an assessment of any progress made
14 during the 180-day period preceding submission
15 of the report by a foreign government subject to
16 a 10-year ineligibility period under subsection
17 (e) toward eligibility for early termination of
18 that period under paragraph (3) of that sub-
19 section;

20 “(D) all reports submitted pursuant to
21 subsection (a)(3) during the 180-day period
22 preceding submission of the report;

23 “(E) the findings of the program estab-
24 lished under subsection (b), including any in-

1 stances in which a foreign government failed to
 2 fully comply with the program; and

3 “(F) an identification of any foreign gov-
 4 ernment that has failed to fully comply with in-
 5 vestigations described in subsection (f).

6 “(2) FORM OF REPORT.—Each report required
 7 by paragraph (1) shall be submitted in unclassified
 8 form to the maximum extent possible, but may in-
 9 clude a classified annex.

10 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
 11 tion shall be construed as authorizing the use of military
 12 force or otherwise authorizing the President to introduce
 13 United States forces into hostilities that have not been
 14 specifically authorized by Congress pursuant to the War
 15 Powers Resolution (50 U.S.C. 1541 et seq.).”.

16 **SEC. 3. REQUIRED ASSESSMENT OF RISK OF EXPORTED**
 17 **WEAPONS BEING USED TO VIOLATE INTER-**
 18 **NATIONALLY RECOGNIZED HUMAN RIGHTS**
 19 **OR INTERNATIONAL HUMANITARIAN LAW.**

20 (a) LETTERS OF OFFER.—Section 36(b)(1) of the
 21 Arms Export Control Act (22 U.S.C. 2776(b)(1)) is
 22 amended—

23 (1) in subparagraph (O), by striking “; and”
 24 and inserting a semicolon;

1 (2) in subparagraph (P), by striking the period
2 at the end and inserting “; and”; and

3 (3) by inserting after subparagraph (P) the fol-
4 lowing new subparagraph:

5 “(Q) an assessment of whether the defense
6 articles, defense services, or design and con-
7 struction services to be offered are more likely
8 than not to be used to violate internationally
9 recognized human rights or international hu-
10 manitarian law, prepared by the Secretary of
11 State through the Assistant Secretary for the
12 Bureau of Democracy, Human Rights, and
13 Labor, in consultation with the Secretary of
14 Defense and the Director of Central Intel-
15 ligence.”.

16 (b) EXPORT LICENSE APPLICATIONS.—Section
17 36(c)(1) of the Arms Export Control Act (22 U.S.C.
18 2776(c)(1)) is amended—

19 (1) by striking “and (C)” and inserting “(C)”;
20 and

21 (2) by inserting after “items to be exported”
22 the following: “, and (D) an assessment of whether
23 the items being offered are more likely than not to
24 be used to violate internationally recognized human
25 rights or international humanitarian law, prepared

1 by the Secretary of State through the Assistant Sec-
 2 retary for the Bureau of Democracy, Human Rights,
 3 and Labor, in consultation with the Secretary of De-
 4 fense and the Director of Central Intelligence.”.

5 (c) DUE DILIGENCE REQUIREMENT.—Section 38(a)
 6 of the Arms Export Control Act (22 U.S.C. 2778(a)) is
 7 amended by adding at the end the following new para-
 8 graph:

9 “(4) The issuance of a license does not exempt
 10 the licensee from their own due diligence to ensure
 11 any defense article or defense service covered by the
 12 license is used with respect for and compliance with
 13 internationally recognized human rights and inter-
 14 national humanitarian law.”.

15 **SEC. 4. HUMAN RIGHTS AND LAW OF WAR OVERSIGHT**
 16 **BOARD.**

17 (a) IN GENERAL.—There is established as an inde-
 18 pendent agency within the executive branch a Human
 19 Rights and Law of War Oversight Board (referred to in
 20 this section as the “Board”).

21 (b) PURPOSE.—The Board shall—

22 (1) analyze and review the actions and conduct
 23 of recipient governments for adherence to inter-
 24 nationally recognized human rights and international

humanitarian law, and their continual efforts to improve such adherence; and

(2) ensure that internationally recognized human rights and international humanitarian law concerns are appropriately considered in the negotiation, approval, and execution of arms transfers, including as required under section 4 of the Arms Export Control Act (22 U.S.C. 2754), as amended by section 2(a) of this Act, and section 40C of the Arms Export Control Act, as added by section 2(b) of this Act.

(c) FUNCTIONS.—

(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

(A) review proposed legislation, regulations, and policies related to international arms transfers;

(B) advise the President and the departments, agencies, and elements of the executive branch to ensure that internationally recognized human rights and international humanitarian law are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines;

1 (C) in providing advice on such proposals,
2 consider whether such proposals would—

3 (i) diminish to any degree the over-
4 sight by entities of the executive branch of
5 the end use of United States-provided de-
6 fense articles; or

7 (ii) lessen to any degree the centrality
8 of compliance by recipient governments
9 with internationally recognized human
10 rights and international humanitarian law
11 as a core factor in decisions of whether to
12 approve transfers; and

13 (D) establish procedures to periodically,
14 but not less than annually, submit to Congress,
15 the President, or the head of any executive
16 branch department, agency, or entity, such rec-
17 ommendations for policy, regulation, or law rel-
18 evant to the purpose or functions of the Board
19 that the Board deems advisable.

20 (2) OVERSIGHT.—The Board shall continually
21 review—

22 (A) the regulations, policies, and proce-
23 dures, and the implementation of the regula-
24 tions, policies, and procedures, of the depart-
25 ments, agencies, and elements of the executive

1 branch relating to arms transfers to ensure that
2 internationally recognized human rights and
3 international humanitarian law are a central
4 focus and consideration at each stage of the
5 arms transfer process, including end use;

6 (B) whether entities of the executive
7 branch are adhering to such policies;

8 (C) other actions by the executive branch
9 relating to arms transfers to determine whether
10 such actions—

11 (i) diminish to any degree the over-
12 sight by entities of the executive branch of
13 the end use of United States-provided de-
14 fense articles; or

15 (ii) lessen to any degree the centrality
16 of compliance by recipient governments
17 with internationally recognized human
18 rights and international humanitarian law
19 as a core factor in decisions of whether to
20 approve transfers; and

21 (D) the adherence of recipient governments
22 to internationally recognized human rights and
23 international humanitarian law, the extent to
24 which United States-provided defense articles
25 are being used or could be used in contraven-

1 tion of those principles and laws, and whether
2 recipient governments are working to improve
3 their adherence to the maximum extent of their
4 capabilities.

5 (3) TESTIMONY.—The members of the Board
6 shall appear and testify before Congress upon re-
7 quest.

8 (4) ASSESSMENTS.—The Board shall submit to
9 Congress, at the time of any notification under sub-
10 section (b) or (c) of section 36 of the Arms Export
11 Control Act (22 U.S.C. 2776), the assessment of the
12 Board, along with any minority views, of the appro-
13 priateness of the proposed transfer based on the re-
14 cipient government’s adherence to internationally
15 recognized human rights and international humani-
16 tarian law.

17 (d) DESIGNATIONS.—

18 (1) IN GENERAL.—The Board may in its sole
19 discretion, by a majority vote of the Members, des-
20 ignate a foreign government as a country of concern
21 under section 40C(d)(1)(A) of the Arms Export
22 Control Act, as added by section 2 of this Act. Not
23 later than the time of the designation, the Board
24 shall transmit to the Senate, the House of Rep-
25 resentatives, and the President the Board’s deter-

1 mination supporting such designation, along with
2 any minority views. The determination shall be sub-
3 mitted in unclassified form, but may include a classi-
4 fied annex.

5 (2) REVERSAL.—The President may vacate a
6 designation by the Board under paragraph (1). In
7 exercising this authority, the President shall submit
8 to the Board, the Senate, and the House of Rep-
9 resentatives a detailed justification for the action.
10 This authority may not be delegated. Such justifica-
11 tion shall be submitted in unclassified form, but may
12 include a classified annex.

13 (e) REPORTS.—

14 (1) IN GENERAL.—The Board shall periodically,
15 but not less frequently than annually, submit to the
16 Senate, the House of Representatives, and the Presi-
17 dent a report on the activities of the Board.

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

20 (A) A description of the major activities of
21 the Board during the preceding period.

22 (B) Information on the findings, conclu-
23 sions, and recommendations of the Board re-
24 sulting from its advice and oversight functions
25 under subsection (c).

1 (C) The minority views on any findings,
2 conclusions, and recommendations of the Board
3 resulting from its advice and oversight func-
4 tions under subsection (c).

5 (D) A summary of each proposal reviewed
6 by the Board under subsection (c)(1) that—

7 (i) the Board advised against imple-
8 mentation or advised significant modifica-
9 tions of; and

10 (ii) notwithstanding such advice, ac-
11 tions were taken to implement.

12 (E) For the preceding period, a description
13 of any requests submitted under subsection
14 (g)(1)(C) for the issuance of subpoenas that
15 were modified or denied by the Attorney Gen-
16 eral.

17 (3) FORM.—The report required under this
18 subsection shall be submitted in unclassified form to
19 the greatest extent possible, but may include a clas-
20 sified annex as necessary.

21 (f) INFORMING THE PUBLIC.—The Board—

22 (1) shall make its reports, including its reports
23 to Congress, available on a publicly accessible
24 website within 30 days of transmittal to Congress to
25 the greatest extent that is consistent with the pro-

tection of classified information and applicable law;
and

(2) shall hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law, but may, notwithstanding section 552b of title 5, United States Code, meet or otherwise communicate in any number to confer or deliberate in a manner that is closed to the public.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive

1 branch, or any Federal officer or employee of
2 any such department, agency, or element;

3 (C) at the direction of a majority of the
4 members of the Board, submit a written re-
5 quest to the Attorney General that the Attorney
6 General require, by subpoena, persons (other
7 than departments, agencies, and elements of the
8 executive branch) to produce any relevant infor-
9 mation, documents, reports, answers, records,
10 accounts, papers, and other documentary or tes-
11 timonial evidence; and

12 (D) conduct travel or site visits.

13 (2) ASSISTANCE.—The Secretary of State, the
14 Secretary of Defense, and any other head of a de-
15 partment, agency, or entity shall provide to the
16 Board any necessary assistance to facilitate activities
17 set forth under paragraph (1).

18 (3) REVIEW OF SUBPOENA REQUEST.—

19 (A) IN GENERAL.—Not later than 30 days
20 after the date of receipt of a request by the
21 Board under paragraph (1)(C), the Attorney
22 General shall—

- 23 (i) issue the subpoena as requested; or
24 (ii) provide the Board, in writing, with
25 an explanation of the grounds on which the

1 subpoena request has been modified or de-
2 nied.

3 (B) NOTIFICATION.—If a subpoena request
4 is modified or denied under subparagraph
5 (A)(ii), the Attorney General shall, not later
6 than 5 days after the date of that modification
7 or denial, notify the Senate and the House of
8 Representatives.

9 (4) ENFORCEMENT OF SUBPOENA.—In the case
10 of contumacy or failure to obey a subpoena issued
11 pursuant to paragraph (1)(C), the United States
12 district court for the judicial district in which the
13 subpoenaed person resides, is served, or may be
14 found may issue an order requiring such person to
15 produce the evidence required by such subpoena.

16 (5) AGENCY COOPERATION.—Whenever infor-
17 mation or assistance requested under subparagraph
18 (A) or (B) of paragraph (1) is, in the judgment of
19 the Board, unreasonably refused or not provided, the
20 Board shall report the circumstances to the head of
21 the department, agency, or element concerned with-
22 out delay. The head of the department, agency, or
23 element concerned shall ensure that the Board is
24 given access to the information, assistance, material,

1 or personnel the Board determines to be necessary
2 to carry out its functions.

3 (6) ACCESS.—Nothing in this section shall be
4 construed to authorize the Board, or any agent
5 thereof, to gain access to information regarding an
6 activity covered by section 503(a) of the National
7 Security Act of 1947 (50 U.S.C. 3093(a)).

8 (h) MEMBERSHIP.—

9 (1) MEMBERS.—The Board shall be composed
10 of a full-time chair and four additional members,
11 who shall be appointed by the President, by and
12 with the advice and consent of the Senate.

13 (2) QUALIFICATIONS.—

14 (A) IN GENERAL.—Members of the Board
15 shall be selected solely on the basis of their pro-
16 fessional qualifications, achievements, public
17 stature, expertise in internationally recognized
18 human rights and international humanitarian
19 law, and relevant experience, and without re-
20 gard to political affiliation, but in no event shall
21 more than three members of the Board be
22 members of the same political party.

23 (B) PROHIBITION ON APPOINTMENT OF IN-
24 DIVIDUALS EMPLOYED BY CERTAIN ENTI-
25 TIES.—An individual who was employed, during

1 the preceding 5-year period, by an entity that
2 engages in activities subject to the Arms Export
3 Control Act (22 U.S.C. 2751 et seq.) is not eli-
4 gible to serve as a member of the Board.

5 (C) SELECTION OF MEMBERS NOT OF PO-
6 LITICAL PARTY OF PRESIDENT.—The President
7 shall, before appointing an individual who is not
8 a member of the same political party as the
9 President, consult with the leadership of that
10 party, if any, in the Senate and the House of
11 Representatives.

12 (3) INCOMPATIBLE OFFICE.—An individual ap-
13 pointed to the Board may not, while serving on the
14 Board, be an elected official, officer, or employee of
15 the Federal Government, other than in the capacity
16 as a member of the Board.

17 (4) TERM.—Each member of the Board shall
18 serve a term of 6 years, except that—

19 (A) a member appointed to a term of office
20 after the commencement of such term may
21 serve under such appointment only for the re-
22 mainder of such term; and

23 (B) upon the expiration of the term of of-
24 fice of a member, the member shall continue to
25 serve until the member's successor has been ap-

pointed and qualified, except that no member may serve under this subparagraph—

(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chair or a majority of its members. Three members of the Board shall constitute a quorum.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIR.—The chair of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which

1 that member is engaged in the actual perform-
2 ance of the duties of the Board.

3 (2) TRAVEL EXPENSES.—Members of the
4 Board shall be allowed travel expenses, including per
5 diem in lieu of subsistence, at rates authorized for
6 persons employed intermittently by the Government
7 under section 5703(b) of title 5, United States Code,
8 while away from their homes or regular places of
9 business in the performance of services for the
10 Board.

11 (j) STAFF.—

12 (1) APPOINTMENT AND COMPENSATION.—The
13 chair of the Board, in accordance with rules agreed
14 upon by the Board, shall appoint and fix the com-
15 pensation of a full-time executive director and such
16 other personnel as may be necessary to enable the
17 Board to carry out its functions, without regard to
18 the provisions of title 5, United States Code, gov-
19 erning appointments in the competitive service, and
20 without regard to the provisions of chapter 51 and
21 subchapter III of chapter 53 of such title relating to
22 classification and General Schedule pay rates, except
23 that no rate of pay fixed under this subsection may
24 exceed the equivalent of that payable for a position

1 at level V of the Executive Schedule under section
2 5316 of title 5, United States Code.

3 (2) APPOINTMENT IN ABSENCE OF CHAIR.—If
4 the position of chair of the Board is vacant, during
5 the period of the vacancy, the Board, at the direc-
6 tion of the unanimous vote of the serving members
7 of the Board, may exercise the authority of the chair
8 under paragraph (1).

9 (3) DETAILEES.—Any Federal employee may
10 be detailed to the Board without reimbursement
11 from the Board, and such detailee shall retain the
12 rights, status, and privileges of the detailee's regular
13 employment without interruption.

14 (4) CONSULTANT SERVICES.—The Board may
15 procure the temporary or intermittent services of ex-
16 perts and consultants in accordance with section
17 3109 of title 5, United States Code, at rates that do
18 not exceed the daily rate paid a person occupying a
19 position at level IV of the Executive Schedule under
20 section 5315 of such title.

21 (k) SECURITY CLEARANCES.—

22 (1) IN GENERAL.—The appropriate depart-
23 ments, agencies, and elements of the executive
24 branch shall cooperate with the Board to expedi-
25 tiously provide the Board members and staff with

1 appropriate security clearances to the extent possible
2 under existing procedures and requirements.

3 (2) RULES AND PROCEDURES.—After consulta-
4 tion with the Secretary of Defense, the Attorney
5 General, and the Director of National Intelligence,
6 the Board shall adopt rules and procedures of the
7 Board for physical, communications, computer, doc-
8 ument, personnel, and other security relating to car-
9 rying out the functions of the Board.

10 (l) TREATMENT AS AGENCY, NOT AS ADVISORY COM-
11 MITTEE.—The Board—

12 (1) is an agency (as defined in section 551(1)
13 of title 5, United States Code); and

14 (2) is not an advisory committee (as defined in
15 section 1001(2) of title 5, United States Code).

16 (m) ETHICS POLICY.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the first date on which three members have
19 been appointed to the Board, by and with the advice
20 and consent of the Senate, the Board shall adopt
21 policies governing ethical conduct of its members
22 and staff, which shall include—

23 (A) restrictions on lobbying or advocating
24 to the Board by entities that engage in activi-

1 ties covered by the Arms Export Control Act
2 (22 U.S.C. 2751 et seq.); and

3 (B) periods of prohibition on employment
4 of members and staff of the Board by such en-
5 tities following their service on the Board or the
6 staff of the Board.

7 (2) REVIEW.—The Board shall review and re-
8 vise as appropriate such policies not less frequently
9 than every three years.

10 (3) TRANSMISSION TO PRESIDENT AND CON-
11 GRESS.—The Board shall transmit the policies re-
12 quired by paragraph (1), and any revisions to such
13 policies under paragraph (2), to the President and
14 to Congress.

15 (n) INITIAL ASSESSMENT.—The Board shall conduct
16 an initial assessment of the capability of the Department
17 of State, the Department of Defense (including the De-
18 fense Security Cooperation Agency), and the Department
19 of Commerce to carry out the requirements of section 40C
20 of the Arms Export Control Act, as added by section 2(b)
21 of this Act. The assessment should evaluate the capability
22 of each of these departments separately and their ability
23 to effectively coordinate across the United States Govern-
24 ment. The Board shall transmit to Congress a report on
25 its findings not later than 18 months after the first date

1 on which three members shall have been appointed to the
 2 Board, by and with the advice and consent of the Senate.

3 (o) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this section
 5 amounts as follows:

6 (1) For fiscal year 2027, \$5,000,000.

7 (2) For fiscal year 2028, \$7,000,000.

8 (3) For fiscal year 2029, \$9,000,000.

9 (4) For fiscal year 2030, \$11,000,000.

10 (5) For fiscal year 2031 and each subsequent
 11 fiscal year, such sums as may be necessary.

12 **SEC. 5. INCLUSION IN BLUE LANTERN PROGRAM OF CON-**
 13 **SIDERATION OF USE OF DEFENSE ARTICLES**
 14 **AND SERVICES TO COMMIT VIOLATIONS OF**
 15 **HUMAN RIGHTS OR INTERNATIONAL HUMAN-**
 16 **ITARIAN LAW.**

17 Subsection (b)(1) of section 40B of the Arms Export
 18 Control Act, as redesignated by section 2(b)(1) of this Act,
 19 is amended by inserting “(including use to commit viola-
 20 tions of internationally recognized human rights or inter-
 21 national humanitarian law)” after “to diversion or other
 22 misuse”.

1 **SEC. 6. CONSIDERATION OF RISK OF COMMISSION OF VIO-**
2 **LATIONS OF HUMAN RIGHTS OR INTER-**
3 **NATIONAL HUMANITARIAN LAW IN ISSUING**
4 **EXPORT LICENSES.**

5 Section 38(a)(2) of the Arms Export Control Act (22
6 U.S.C. 2778(a)(2)) is amended by inserting after “con-
7 flict,” the following: “be used to commit violations of
8 internationally recognized human rights or international
9 humanitarian law,”.

10 **SEC. 7. COMPTROLLER GENERAL REPORT.**

11 Not later than two years after the date of the enact-
12 ment of this Act, the Comptroller General of the United
13 States shall submit to Congress a report reviewing the im-
14 plementation of section 40C of the Arms Export Control
15 Act, as added by section 2(b) of this Act.

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