

117TH CONGRESS
2D SESSION

H. R. 9539

To require the development of an inter-agency strategy and the submission of certain reports relating to the illegal export and trafficking of firearms from the United States to recipients in Mexico and certain Central American and Caribbean countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2022

Mr. CASTRO of Texas (for himself, Mrs. TORRES of California, Mr. SIRES, Mr. GRIJALVA, Ms. OMAR, Ms. BARRAGÁN, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To require the development of an inter-agency strategy and the submission of certain reports relating to the illegal export and trafficking of firearms from the United States to recipients in Mexico and certain Central American and Caribbean countries, 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 “Americas Regional
5 Monitoring of Arms Sales Act of 2022” or the “ARMAS
6 Act of 2022”.

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 GAO report “Firearms Traf-
11 ficking: U.S. Efforts to Disrupt Gun Smuggling into
12 Mexico Would Benefit from Additional Data and
13 Analysis”.

14 (3) United States-origin firearm flows con-
15 tribute to human rights violations, organized crime
16 and gang violence, extrajudicial killings, high homi-
17 cide rates, domestic violence, and femicides in Mex-
18 ico, Central America, and the Caribbean.

19 (4) According to the Executive Secretariat of
20 National System for Public Security of Mexico, dur-
21 ing the period beginning in 2012 and ending in
22 2021, Mexico experienced more than 168,000 fire-
23 arms homicides.

24 (5) According to the United Nations Regional
25 Centre for Peace, Disarmament and Development in
26 Latin America and the Caribbean, firearms are used

1 in 70 percent of homicides in the Caribbean com-
2 pared to 30 percent globally; the Caribbean has less
3 than one percent of the world’s population, but 23
4 percent of all recorded homicides.

5 (6) In an August 2022 press conference, U.S.
6 authorities from Homeland Security Investigations
7 reported a “marked uptick in the number of weap-
8 ons”, and an increase in the caliber and type of
9 weapons, being illegally trafficked to Haiti and the
10 rest of the Caribbean.

11 (7) The Caribbean Basin Security Initiative of
12 the Department of State that commenced in 2009 is
13 the regional U.S. foreign assistance program that
14 seeks to reduce illicit trafficking in the region and
15 advance public safety and security. The program in-
16 cludes improving the capacity of Caribbean countries
17 to intercept smuggled weapons at airports and sea-
18 ports, as well as support for forensic ballistics and
19 firearms destruction and stockpile management. As-
20 sistance under the Caribbean Basin Security Initia-
21 tive has also included support for regional organiza-
22 tions, including—

23 (A) the Caribbean Community Implemen-
24 tation Agency for Crime and Security
25 (CARICOM IMPACS), based in Trinidad and

1 Tobago, the lead agency involved in the issue of
2 illicit arms trafficking and increasing the capac-
3 ity of member states to detect and prevent fire-
4 arms trafficking; and

5 (B) the Eastern Caribbean’s Regional Se-
6 curity System, based in Barbados.

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

10 (9) Two GAO reports (published in 2021 and
11 2022, respectively) on firearms trafficking have af-
12 firmed that firearms trafficking to Mexico and Cen-
13 tral America continues to represent a security con-
14 cern to the United States, as United States-origin
15 firearms are diverted from legitimate owners and
16 end up in the hands of violent criminals, including
17 drug traffickers and other transnational criminal or-
18 ganizations. A GAO report on the effect of firearms
19 trafficking in the Caribbean has not yet been com-
20 piled.

21 (10) In these reports, the Comptroller General
22 found that Federal departments and agencies lacked
23 information and analysis of the firearms trafficking
24 networks in Mexico and Central America, that few
25 efforts of the United States Government in the re-

1 gion focused on firearms trafficking, and that, as a
2 result, such agencies lack a detailed understanding
3 of the firearms trafficking that fuels violence and
4 enables criminals in Belize, El Salvador, Guatemala,
5 Honduras, and Mexico.

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

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

23 (13) In 2021 and 2022, the annual Country
24 Reports on Human Rights Practices of the Depart-
25 ment of State included “unlawful and arbitrary

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

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

13 (15) The current number of exports specified in
14 paragraph (10) represents an extraordinary increase
15 (as much as 25 times the average) from the number
16 specified in paragraph (11), and the Under Sec-
17 retary of Commerce for Industry and Security has
18 only been able to conduct a very limited number of
19 end-use checks, according to the 2022 GAO report
20 “Firearms Trafficking: More Information Needed to
21 Inform U.S. Efforts in Central America”.

22 (16) The proposed security cooperation plan ti-
23 tled “U.S.-Mexico Bicentennial Framework for Secu-
24 rity, Public Health, and Safe Communities” and
25 other new initiatives to address root causes of mi-

1 gration from Central America offer an opportunity
2 to reaffirm commitments and strengthen cooperation
3 on addressing firearms trafficking.

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

8 (a) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Secretary of State (in
10 consultation with the Secretary of Commerce, the Attor-
11 ney General, the Director of the Bureau of Alcohol, To-
12 bacco, Firearms and Explosives, and the heads of such
13 other Federal departments or agencies as the Secretary
14 of State may determine relevant) shall submit to the ap-
15 propriate congressional committees a report on the efforts
16 of the Secretary of State and the heads of other relevant
17 Federal departments and agencies to disrupt the illegal
18 export or diversion of firearms from the United States to
19 unauthorized recipients in countries designated as covered
20 countries under section 4 (including through unauthorized
21 third-party transfers), and the illegal trafficking of fire-
22 arms obtained in the United States to such recipients.
23 Such report shall include the following:

24 (1) An identification of any such efforts, includ-
25 ing efforts to accomplish the following objectives:

1 (A) Tracking and verifying information re-
2 garding the end-users of firearms so exported,
3 including by entering into data-sharing agree-
4 ments with appropriate counterparts from the
5 governments of such covered countries.

6 (B) Ensuring the destruction of surplus
7 firearms so exported.

8 (C) Ensuring that firearms so exported are
9 not used to commit extrajudicial killings or
10 other gross violations of internationally recog-
11 nized human rights.

12 (D) Building the capacity of such covered
13 countries to prevent the trafficking of firearms
14 so exported, including through current pro-
15 grams supported or implemented by the United
16 States Government.

17 (E) Tracking and verifying information re-
18 garding the end-users of firearms obtained in
19 the United States and illegally trafficked to
20 such covered countries.

21 (F) Combating all forms of cross-border
22 smuggling of firearms from the United States.

23 (G) Engaging with subnational government
24 officials in such covered countries to effectively
25 implement and enforce agreements relating to

1 the trafficking of firearms that have been con-
2 cluded between the United States Government
3 and the national government of the respective
4 covered country.

5 (H) Identifying the origin of trafficked
6 weapons, including through the serial numbers
7 of trafficked firearms.

8 (2) An assessment of the results of the efforts
9 identified pursuant to paragraph (1).

10 (3) A description of how homicides,
11 extrajudicial killings, and other gross violations of
12 internationally recognized human rights committed
13 in such covered countries using firearms exported
14 from or obtained in the United States have been in-
15 vestigated.

16 (b) INTER-AGENCY STRATEGY.—

17 (1) IN GENERAL.—The Secretary of Commerce
18 and the Secretary of State, taking into account the
19 findings of the report under subsection (a), shall
20 jointly develop an inter-agency strategy for the dis-
21 ruption of the trafficking of firearms exported from
22 the United States to recipients in countries des-
23 ignated as covered countries under section 4.

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

1 (A) A plan for the Secretaries to accom-
2 plish each of the objectives specified in sub-
3 section (a)(1).

4 (B) An identification of specific perform-
5 ance measures, targets (including the baselines
6 for such targets), and timelines with respect to
7 such objectives.

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

10 (3) REQUIRED CONSIDERATIONS; CONSULTA-
11 TIONS.—In developing the strategy under paragraph
12 (1), the Secretaries shall—

13 (A) consider how the strategy may support
14 or otherwise align with broader efforts of the
15 Secretaries relating to security assistance, anti-
16 corruption, and the prevention of organized
17 crime and drug and gang violence;

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

1 (C) seek to consult with appropriate coun-
2 terparts from the government of each country
3 designated as a covered country under section
4 4.

5 (4) SUBMISSION TO CONGRESS.—Not later than
6 January 1 of the year following the date of the en-
7 actment of this Act, the Secretary of Commerce and
8 the Secretary of State shall jointly submit to the ap-
9 propriate congressional committees the strategy
10 under paragraph (1).

11 (c) ANNUAL REPORT.—

12 (1) SUBMISSION.—Not later than one year after
13 the date of the enactment of this Act, and annually
14 thereafter, the Secretary of Commerce (in consulta-
15 tion with the Secretary of State and the heads of
16 such other Federal departments or agencies as the
17 Secretary of Commerce may determine relevant)
18 shall submit to the appropriate congressional com-
19 mittees a report on the export of covered items to
20 countries designated as covered countries under sec-
21 tion 4.

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

1 (A) Information regarding license applica-
2 tions approved or denied, and previously issued
3 licenses modified or revoked, for the export of
4 covered items to proposed recipients in covered
5 countries.

6 (B) Information regarding how evolving
7 country contexts, including with respect to de-
8 velopments in human rights, affected the ap-
9 proval of license applications for such exports.

10 (C) The number of licenses issued for the
11 export of covered items to proposed recipients
12 in covered countries.

13 (D) The number of covered items exported
14 to recipients in covered countries.

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

1 Commerce or Department of State, the fol-
2 lowing information:

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.

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

11 (F) Information on the extent to which the
12 heads of the governments of covered countries
13 shared with the Secretary of Commerce and the
14 heads of other relevant Federal departments
15 and agencies (such as the Bureau of Alcohol,
16 Tobacco, Firearms and Explosives) data relat-
17 ing to the receipt and end-use of covered items
18 exported from the United States, and the type
19 of data so shared.

20 (G) For each covered country, a descrip-
21 tion of the U.S. funding and resources allocated
22 for the purpose of disrupting trafficking of cov-
23 ered items.

1 **SEC. 4. DESIGNATION OF COVERED COUNTRIES.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of the enactment of this Act, the Secretary of Com-
4 merce shall designate each country that the Secretary de-
5 termines meets the requirements under subsection (b) as
6 a covered country for purposes of this Act.

7 (b) REQUIREMENTS.—A country meets the require-
8 ments under this subsection if the country—

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

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

13 (3) meets such other requirements as the Sec-
14 retary of State may determine appropriate.

15 (c) INITIAL DESIGNATIONS.—The Bahamas, Belize,
16 El Salvador, Guatemala, Honduras, Mexico, Haiti, Ja-
17 maica, and Trinidad and Tobago—

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

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

25 (d) TERMINATION OF DESIGNATION.—Subject to
26 subsection (c)(2), the Secretary of Commerce may termi-

1 nate the designation of a country under this section only
2 if, at least 180 days prior to such termination, the Sec-
3 retary submits to the appropriate congressional commit-
4 tees a notification of such termination.

5 **SEC. 5. LIMITATION ON LICENSES AND OTHER AUTHORIZA-**
6 **TIONS FOR EXPORT OF CERTAIN ITEMS RE-**
7 **MOVED FROM THE UNITED STATES MUNI-**
8 **TIONS LIST AND INCLUDED ON THE COM-**
9 **MERCE CONTROL LIST.**

10 (a) IN GENERAL.—The Secretary of Commerce may
11 not grant a license or other authorization for the export
12 of a covered item unless, before granting the license or
13 other authorization, the Secretary submits to the chair-
14 man and ranking member of the Committee on Foreign
15 Affairs of the House of Representatives and the chairman
16 and ranking member of the Committee on Foreign Affairs
17 of the Senate a written certification with respect to such
18 proposed export license or other authorization con-
19 taining—

20 (1) the name of the person applying for the li-
21 cense or other authorization;

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

24 (3) the name of the country or international or-
25 ganization to which the export will be made;

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

3 (5) the value of the items proposed to be ex-
4 ported.

5 (b) FORM.—A certification required under subsection
6 (a) shall be submitted in unclassified form, except that
7 information regarding the dollar value and number of
8 items proposed to be exported may be restricted from pub-
9 lic disclosure if such disclosure would be detrimental to
10 the security of the United States.

11 (c) DEADLINES.—A certification required under sub-
12 section (a) shall be submitted—

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

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

22 (d) CONGRESSIONAL RESOLUTION OF DIS-
23 APPROVAL.—A proposed export license or other authoriza-
24 tion described in paragraph (1) of subsection (c) shall be-
25 come effective after the end of the 15-day period described

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

8 **SEC. 6. DEFINITIONS.**

9 In this Act:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means—

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

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

18 (2) **COVERED ITEM.**—The term “covered item”
19 means any item that—

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

23 (B) is included on the Commerce Control
24 List.

25 (3) **FIREARM.**—The term “firearm” includes—

1 (A) any item that is included in Category
2 I, II, or III of the United States Munitions
3 List; and

4 (B) any covered item.

5 (4) 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 (5) 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 (6) UNITED STATES MUNITIONS LIST.—The
23 term “United States Munitions List” means the list

1 maintained pursuant to part 121 of title 22, Code
2 of Federal Regulations.

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