#33

AMENDMENT TO H.R. __

OFFERED BY MR. BERMAN OF CALIFORNIA

(Foreign Relations Authorization Act, Fiscal Year 2012)

At the appropriate place in title IX of the bill, insert the following:

1 **SEC. 9xx. DIPLOMATIC EFFORTS TO STRENGTHEN NA-**
2 **TIONAL AND INTERNATIONAL ARMS EXPORT**
3 **CONTROLS.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the President should redouble United States
6 diplomatic efforts to strengthen national and international
7 arms export controls by establishing a senior-level initia-
8 tive to ensure that those arms export controls are com-
9 parable to and supportive of United States arms export
10 controls, particularly with respect to countries of concern
11 to the United States.

12 (b) REPORT.—Not later than one year after the date
13 of the enactment of this Act, and annually thereafter for
14 4 years, the President shall transmit to the Committee on
15 Foreign Affairs of the House of Representatives and the
16 Committee on Foreign Relations of the Senate a report
17 on United States diplomatic efforts described in subsection
18 (a).

1 **SEC. 9xx. REVIEW AND REPORT OF INVESTIGATIONS OF**
2 **VIOLATIONS OF SECTION 3 OF THE ARMS EX-**
3 **PORT CONTROL ACT.**

4 (a) REVIEW.—The Inspector General of the Depart-
5 ment of State shall conduct a review of investigations by
6 the Department of State during each of fiscal years 2012
7 through 2016 of any and all possible violations of section
8 3 of the Arms Export Control Act (22 U.S.C. 2753) with
9 respect to misuse of United States-origin defense items to
10 determine whether the Department of State has fully com-
11 plied with the requirements of such section, as well as its
12 own internal procedures (and whether such procedures are
13 adequate), for reporting to Congress any information re-
14 garding the unlawful use or transfer of United States-ori-
15 gin defense articles, defense services, and technology by
16 foreign countries, as required by such section.

17 (b) REPORT.—The Inspector General of the Depart-
18 ment of State shall submit to the Committee on Foreign
19 Affairs of the House of Representatives and the Com-
20 mittee on Foreign Relations of the Senate for each of fis-
21 cal years 2012 through 2016 a report that contains the
22 findings and results of the review conducted under sub-
23 section (a). The report shall be submitted in unclassified
24 form to the maximum extent possible, but may include a
25 classified annex.

1 **SEC. 9xx. INCREASE IN PENALTIES FOR ILLICIT TRAF-**
2 **FICKING IN SMALL ARMS AND LIGHT WEAP-**
3 **ONS TO COUNTRIES IN THE WESTERN HEMI-**
4 **SPHERE.**

5 (a) IN GENERAL.—Notwithstanding section 38(c) of
6 the Arms Export Control Act (22 U.S.C. 2778(c)), any
7 person who willfully exports to a country in the Western
8 Hemisphere any small arm or light weapon without a li-
9 cense in violation of the requirements of section 38 of such
10 Act shall upon conviction be fined for each violation not
11 less than $1,000,000 but not more than $3,000,000 and
12 imprisoned for not more than twenty years, or both.

13 (b) DEFINITION.—In this section, the term "small
14 arm or light weapon" means any item listed in Category
15 I(a), Category III (as it applies to Category I(a)), or gre-
16 nades under Category IV(a) of the United States Muni-
17 tions List (as contained in part 121 of title 22, Code of
18 Federal Regulations (or successor regulations)) that re-
19 quires a license for international export under this section.

20 **SEC. 9xx. DEPARTMENT OF STATE REWARDS PROGRAM.**

21 Section 36(b) of the State Department Basic Au-
22 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

23 (1) by redesignating paragraphs (4) through
24 (7) as paragraphs (5) through (8), respectively;

25 (2) by inserting after paragraph (3) the fol-
26 lowing new paragraph:

1 "(4) the arrest or conviction in any country of
2 any individual for illegally exporting or attempting
3 to export to Mexico any small arm or light weapon
4 (as defined in section 9xx(b) of the Foreign Rela-
5 tions Authorization Act, Fiscal Year 2012);"; and
6 (3) in paragraphs (5) and (6) (as redesignated),
7 by striking "paragraph (1), (2), or (3)" each place
8 it appears and inserting "paragraph (1), (2), (3), or
9 (4)".

In the section in title IX relating to "Annual Estimate and Justification for Sales Program", insert after the section heading the following:

10 (a) IN GENERAL.—Section 25(a)(1) of the Arms Ex-
11 port Control Act (22 U.S.C. 2765(a)(1)) is amended by
12 striking ", together with an indication of which sales and
13 licensed commercial exports" and inserting "and".

In the section in title IX relating to "Annual Estimate and Justification for Sales Program", strike "Section 25(a)(3)" and insert "(b) ADDITIONAL AMENDMENT.—Section 25(a)(3)".