AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. ENGEL OF NEW YORK

At the end of subtitle C of title XII of division A, add the following:

SEC. 1. REQUIREMENTS RELATING TO CERTAIN DEFENSE TRANSFERS TO THE RUSSIAN FEDERATION.

(a) STATEMENT OF POLICY.—It is the policy of the United States to oppose the transfer of defense articles or defense services (as defined in the Arms Export Control Act) from any country that is a member of the North Atlantic Treaty Organization (NATO) to, or on behalf of, the Russian Federation, during any period in which the Russian Federation forcibly occupies the territory of Ukraine or of a NATO member country.

(b) NATO POLICY.—The President shall use the voice and vote of the United States in NATO to seek the adoption of a policy by NATO that is consistent with the policy of the United States specified in subsection (a).

(e) IDENTIFICATION OF CERTAIN DEFENSE TRANSFERS.—

(1) IN GENERAL.—The President shall direct the appropriate departments and agencies of the
United States to monitor all transfers of defense articles or defense services from NATO member countries to the Russian Federation and identify those transfers that are contrary to the policy of the United States specified in subsection (a).

(2) REPORT.—

(A) IN GENERAL.—The President shall submit a written report to the chairmen and ranking members of the appropriate committees of Congress within 5 days of the receipt of information indicating that a transfer described in paragraph (1) has occurred.

(B) FORM.—The report required under subparagraph (A) may be submitted in classified form.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term “appropriate committees of Congress” means—

(i) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services, the Committee on Foreign Affairs, and the
Permanent Select Committee on Intelligence of the House of Representatives..

(d) LICENSING POLICY FOR CERTAIN DEFENSE TRANSFERS.—

(1) IN GENERAL.—If a NATO member country transfers, or allows a transfer by a person subject to its national jurisdiction of, a defense article or defense service on or after the date of the enactment of this Act that is contrary to the policy of the United States specified in subsection (a) and is identified pursuant to subsection (c), an application for a license or other authorization required under the Arms Export Control Act for the transfer of any defense article or service to, or on behalf of, that NATO member country shall be subject to a presumption of denial.

(2) EFFECTIVE PERIOD.—A presumption of denial shall apply to an application for a license or other authorization under paragraph (1) only during a period in which the Russian Federation forcibly occupies the territory of Ukraine or of a NATO member country.

(3) AMENDMENT TO ITAR.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall amend the International
1 Trafficking in Arms Regulations for purposes of implementing this subsection.