

AMENDMENT TO RULES COMM. PRINT 119-33
OFFERED BY MS. OCASIO-CORTEZ OF NEW YORK

At the end of subtitle A of title XVII, insert the following:

1 **SEC. 17 ____ . SAFEGUARDS AND ACCOUNTABILITY WITH RE-**
2 **SPECT TO DEFENSE ARTICLES AND DEFENSE**
3 **SERVICES.**

4 (a) REQUIREMENTS.—

5 (1) COMPLIANCE WITH INTERNATIONAL HU-
6 MANITARIAN LAW AND LAW OF ARMED CONFLICT.—

7 Any defense articles or defense services provided
8 using any of the amounts authorized to be appro-
9 priated by this Act for the Department of Defense
10 or otherwise made available for fiscal year 2027
11 shall be required to be used in accordance with
12 international law, including international humani-
13 tarian law and the law of armed conflict, and United
14 States law.

15 (2) COMPLIANCE WITH PROHIBITION ON AS-
16 SISTANCE TO COUNTRIES THAT RESTRICT UNITED
17 STATES HUMANITARIAN ASSISTANCE.—Consistent
18 with section 620I(a) of the Foreign Assistance Act
19 of 1961 (22 U.S.C. 2378-1(a)), prior to the author-

1 ization of any transfer or provision of defense arti-
2 cles or defense services using any of the amounts au-
3 thorized or to be appropriated by this Act for the
4 Department of Defense or otherwise made available
5 for fiscal year 2027—

6 (A) the President shall obtain written as-
7 surances from the recipient country, and fur-
8 ther certify to the appropriate congressional
9 committees, with specific statutory authoriza-
10 tion from Congress, that the recipient country
11 is not prohibiting or otherwise restricting, di-
12 rectly or indirectly, the transport or delivery to
13 civilians of—

14 (i) humanitarian assistance funded in
15 whole or in part by the United States; or

16 (ii) United States humanitarian as-
17 sistance or humanitarian assistance pro-
18 vided under the auspices of an inter-
19 national body of which the United States is
20 a member; and

21 (B) such transfer or provision of defense
22 articles or defense services may only enter into
23 effect upon the enactment after the date of
24 such certification of specific statutory author-
25 ization.

1 (b) REPORT.—

2 (1) IN GENERAL.—Not later than 30 days after
3 the date of the enactment of this Act, and every 180
4 days thereafter, the President shall submit to the
5 appropriate congressional committees a separate re-
6 port for each recipient country of defense articles or
7 defense services on the use by such country, on or
8 after October 1, 2026, of defense articles and de-
9 fense services provided or funded in whole or in part
10 by the United States.

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

13 (A) A description of measures taken to ac-
14 count for defense articles or defense services
15 designated for the recipient, particularly meas-
16 ures with regard to such articles or services
17 that require enhanced end-use monitoring.

18 (B) A description of measures to ensure
19 that such defense articles or defense services
20 reach their intended recipient and are used for
21 their intended purposes, and any other meas-
22 ures to promote accountability for the use of
23 such articles or services.

24 (C) An assessment of whether such defense
25 articles or defense services have been used in a

1 manner consistent with international law, in-
2 cluding international humanitarian law and the
3 law of armed conflict.

4 (D) A description of the procedures and
5 mechanisms used to make the assessment de-
6 scribed in subparagraph (C).

7 (E) An assessment of—

8 (i) the extent to which the use of such
9 defense articles or defense services is con-
10 sistent with United States practices and
11 mechanisms for minimizing civilian casual-
12 ties, including practices and mechanisms
13 developed pursuant to the Defense Depart-
14 ment's Civilian Harm Mitigation and Re-
15 sponse Action Plan (CHMR-AP); and

16 (ii) the extent to which civilian harm
17 mitigation procedures and mechanisms
18 have been incorporated in the recipient's
19 security assistance program pursuant to
20 CHMR-AP Objective 9.

21 (F) A description of the procedures and
22 mechanisms used to make the assessment de-
23 scribed under subparagraph (E).

24 (G) A description of any occurrences of
25 such defense articles or defense services not

1 reaching their intended recipient or being used
2 for their intended purposes, and a description
3 of any remedies taken.

4 (H) An assessment of whether the recipi-
5 ent of such defense articles or defense services
6 has been cooperating fully with United States
7 efforts and United States-supported inter-
8 national efforts to provide humanitarian assist-
9 ance to civilians in an area of conflict where
10 United States defense articles or defense serv-
11 ices are being used by the recipient.

12 (3) FORM.—The report required under para-
13 graph (1) shall be submitted in unclassified form but
14 may include a separate classified annex.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Relations,
19 the Committee on Armed Services, and the
20 Committee on Appropriations of the Senate;
21 and

22 (B) the Committee on Foreign Affairs, the
23 Committee on Armed Services, and the Com-
24 mittee on Appropriations of the House of Rep-
25 resentatives.

1 (2) The terms “defense article” and “defense
2 service” have the meanings given those terms in sec-
3 tion 47 of the Arms Export Control Act (22 U.S.C.
4 2794).

