



Speaking Peace to Power

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Arms Sales

According to a **2019 poll** by the Chicago Council on Global Affairs, 70 percent of Americans oppose arms sales to other nations and see the transactions as a threat to national security. This view is bipartisan: 75 percent of Democrats, 70 percent of independents, and 62 percent of Republicans expressed a lack of safety associated with arms sales. When it comes to arms sales, most Americans think that more oversight is better.

The US has not ratified the Arms Trade Treaty, which has shown modest success at reducing illegal weapons dispersion, and which has been signed by all of our allies. The Leahy Laws try to prevent US security aid from ending up in the wrong hands, but they do not apply to civilian harm in conflict, are reliant on human rights information in unstable countries, and only take effect after human rights abuse have occurred.

In 2016, the U.S. delivered major military items to over three-quarters of countries identified as party to an armed conflict, and nearly 80 percent of countries in which armed conflict took place. Putting a stop to this practice by blocking an arms sale due to human rights violations has been frequently attempted but has never succeeded.

Today, blocking an arms sale under the Arms Export Control Act (AECA) requires a joint resolution of disapproval, which must be passed by a two-thirds majority in both chambers to overcome a likely presidential veto. House procedures also present a challenge: Under Senate rules, any senator favoring a disapproval resolution can move to discharge the resolution from the Foreign Relations Committee if the committee fails to report back to the Senate within 10 calendar days. The House, however, has no such rule, so representatives are not guaranteed a vote concerning arms sales.

Members of Congress can utilize Section 502B of the Foreign Assistance Act to secure information about security assistance to high- risk countries at any point. To invoke Section 502B, any member of Congress can introduce a simple resolution requesting a report from the Secretary of State regarding human rights or other concerns in a particular country. Such a resolution is privileged in the Senate. Alternatively, HFAC or SFRC can request such information by letter. If the Secretary of State does not provide a report within thirty days, "no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted." After receiving such a report from the Secretary of State, Congress may "adopt a joint resolution terminating, restricting, or continuing security assistance" to the country in question. Such a resolution is privileged in the Senate.

The Values in Arms Export Act (H.R. 7367 and S. 3558) would amend the *Arms Export Control Act* to specify the principles of responsible behavior and compliance with human rights and law of war the U.S. demands of states purchasing U.S. weapons.

We also support legislation that takes back Congressional power over arms sales by “flipping the script” on arms transfer powers. The National Security Powers Act, introduced by Senators Murphy, Lee, and Sanders, and the National Security Reforms & Accountability Act, its companion in the House led by Congressman McGovern, would require Congress to affirmatively authorize arms sales for a subset of riskier items.

Finally, President Trump announced in 2019 that the United States would withdraw from the Arms Trade Treaty (ATT) and would no longer seek the agreement’s ratification, falsely claiming that the instrument infringed on U.S. sovereignty and domestic gun rights. The Treaty is an invaluable mechanism regulating the international trade in conventional arms creating global standards that help promote international peace and security, and the United States, as a matter of national interest, should urgently re-engage to see it implemented.