

ARMS SALES LEGISLATION IN THE CURRENT SESSION OF CONGRESS

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In the 115th and 116th sessions of Congress, dozens of pieces of legislation have proposed restrictions on U.S. arms sales to one or more countries. The bills listed in this appendix offer a representative sampling of the proposals to reduce U.S. arms sales. In each case, descriptive paragraphs and complete texts of the legislation are available at www.congress.gov.

116th Congress. S. 459. Stopping the Traffic in Overseas Proliferation of Ghost Guns Act. February 12, 2019. Sponsor: Robert Menendez, New Jersey. Congress makes the following findings: (1) Small arms and associated ammunition are— (A) uniquely lethal; (B) easily spread and easily modified and (C) the primary means of injury, death and destruction in civil and military conflicts throughout the world. (2) Congress enacted legislation in 2002 to ensure that the sale and export of such weapons would receive close congressional scrutiny and oversight, which has proven important on multiple occasions. (3) President Donald Trump has proposed to transfer the oversight of the export of most of these lethal weapons from the control of the Department of State under the United States Munitions List to the less stringent export controls of the Department of Commerce, in part to expedite the sale of such weapons abroad. . . . Notwithstanding section 38 of the Arms Export Control Act (22 U.S.C. 2778), the President may not remove any firearm, or technical information relating to such firearm, from the United States Munitions List.

116th Congress. H.R.1134: Prevent Crime and Terrorism Act of 2019. Sponsor: Rep. Norma Torres, California. February 8, 2019. To amend the Arms Export Control Act to prohibit the removal of certain items under category I, II or III of the United States Munitions List. New Jersey Senator, Bob Menendez, offers the following summary of this bill: “This legislation would block a Trump administration rule to transfer oversight of small arms (firearms) exports from the State Department to the Commerce Department. The rule would make U.S. exports of small arms far more dangerous by transferring controls to an agency that prioritizes doing business over safeguarding our national security. Congressional oversight of commercial weapons sales totaling \$1 million or more would also be eliminated by the rule. Why in the world would Congress unilaterally give up its authority to an executive branch looking to boost gun industry profits by any means necessary? The United States has a responsibility to lead on the world stage. We cannot allow the illicit trafficking of American handguns and rifles globally. Such weapons will be used to exacerbate conventional conflicts, leading to more bloodshed.”

116th Congress. H.R.1033: Return Expenses Paid and Yielded Act or REPAY Act. Feb. 7, 2019. Sponsor: Jackie Speier, California. To amend the Arms Export Control Act to modify certification and report requirements relating to sales of major defense equipment with respect to which nonrecurring costs of research, development and production are waived or reduced under the Arms Export Control Act and for other purposes. In the case of any letter of offer to sell any major defense equipment for \$14,000,000 or more, in addition to the other information required to be contained in a certification submitted to the Congress under this subsection, or a similar certification prior to finalization of a letter of offer to sell, each such certification shall include the value of any charge or charges for the proportionate amount of any nonrecurring costs of research, development and production of the major defense equipment that was waived or reduced.

116th Congress. S.398: Saudi Arabia Accountability and Yemen Act of 2019. February 7, 2019. Sponsor: Robert Menendez, New Jersey. Suspension of Arms Transfers to Saudi Arabia. (a) Restriction.—Except as provided in subsection (b), during the period beginning on the date of the enactment of this Act and ending on September 30, 2020, the United States Government—(1) may not sell, transfer or authorize licenses for export to the Government of Saudi Arabia any item designated under Category III, IV, VII or VIII on the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) and (2) shall suspend any licenses or other approvals that were issued before the date of the enactment of this Act for the export to the Government of Saudi Arabia of any item designated under Category IV of the United States Munitions List. (b) Exception.—The prohibition under subsection (a) shall not apply to sales, transfers or export licenses relating to ground-based missile defense systems.

116th Congress. H.R.920: Venezuela Arms Restriction Act. January 30, 2019. Sponsor: Rep. Donna Shalala, Florida. To restrict the transfer of defense articles, defense services and crime control articles to any element of the security forces of Venezuela that is under the authority of a government of Venezuela that is not recognized as the legitimate government of Venezuela by the Government of the United States and for other purposes. Representative Shalala offered the following appeal for other members of Congress to cosponsor her bill: “This past week, millions of Venezuelans took to the streets in Caracas and around the world to protest the authoritarian regime of Nicolas Maduro, while demanding a return to democracy, respect for human rights and access to basic necessities, like food and medicine. Tragically, dozens of protesters paid the ultimate price, killed at the hands of Maduro’s special forces for peacefully calling for a democratic Venezuela. For that reason, we are urging you to cosponsor H.R.920, the Venezuela Arms Restriction Act. This bipartisan bill restricts the export of defense articles and materials to the illegitimate regime in Venezuela. These tools are used by the Maduro regime to oppress the Venezuelan people, often with lethal consequences. . . . Please join us in ensuring that weapons that could be used to further oppress and brutalize the Venezuelan people are not sent from the United States. We must send a clear message that the United States stands with the Venezuelan people in realizing their democratic aspirations.”

116th Congress. H.R.643: To Prohibit the Provision of United States Security Assistance to the Government Of Saudi Arabia. January 17, 2019. Sponsor: Rep. James P. McGovern, Massachusetts. Section 1. Prohibition on Security Assistance. (a) In General.—Beginning on the date of the enactment of this Act, the Secretary of Defense may not— (1) provide any United States assistance, including security assistance, intelligence, training, equipment or services relating to maintenance, testing or technical data, to— (A) the Government of Saudi Arabia, including the Ministries of Defense, Interior and Intelligence or (B) any agent or instrumentality of such Government or (2) engage in any defense cooperation with such Government, Ministries, agents or instrumentalities. (b) Exception For The Protection Of United States Personnel And Citizens.—The prohibition under subsection (a) shall not apply with respect to activities of the Department of Defense relating to the protection of United States diplomatic and consular posts or personnel or to the evacuation of United States citizens. Sec. 2. Prohibition on Arms Sales. Beginning on the date of the enactment of this Act, the President may not sell, transfer, deliver, license for export, authorize the performance of any service relating to, or otherwise make available any defense article, defense service or design and construction service, as such terms are defined for purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.), to the Government of Saudi Arabia or to any agents or instrumentalities of such Government.

116th Congress. H.R.630: Counterterrorism Screening and Assistance Act of 2019. January 16, 2019. Sponsor: Rep. Lee Zeldin, New York. A bill to combat international travel by terrorists and foreign fighters and to authorize the suspension of certain foreign assistance to countries not making significant efforts to comply with such minimum standards. For countries failing to meet minimum standards for serious and sustained efforts to combat terrorism and foreign fighter travel, this bill would restrict “nonhumanitarian, nontrade-related foreign assistance as defined in the Trafficking Victims Protection Act of 2000. That Act defines this term as to include “sales, or financing on any terms, under the Arms Export Control Act.” An earlier version of this legislation passed the House of Representatives in the 114th Congress by a vote of 371-2, but was not passed by the Senate. Representative Zeldin offered the following justification of this legislation: “The foreign fighter movement is a very serious challenge that has resulted in the well-recognized need for improved border security around the world and better information sharing between governments. With the rise of terrorism at home and around the world, it is important now more than ever, that we remain ever vigilant to protect our homeland.”

116th Congress. H.R.332: Arms Sale Oversight Act. January 8, 2019. Sponsor: Rep. Ted Lieu, California. To modify the expedited procedures in the House of Representatives under section 36 of the Arms Export Control Act with respect to consideration of joint resolutions prohibiting proposed sales of defense articles or services, prohibiting proposed licenses for exports of defense articles or services and prohibiting approval of United States commercial technical assistance or manufacturing licensing agreements. Representative Lieu explained this legislation as follows: “The point of this is to ensure Congress is meeting its commitment of conducting good governance. The Arms Export Control Act is meant to guarantee Congress oversees U.S. arm sales but the current procedures often leave House Foreign Affairs Committee members in the dark. In a time where arms sales with countries like Saudi Arabia are worthy of intense Congressional scrutiny, House Members shouldn’t face roadblocks to doing our jobs. Like our Senate colleagues, we should have the opportunity to thoroughly evaluate and debate arms sales to make sure they’re in our nation’s best interest.”

- 116th Congress. H.R.33: Gun Trafficking Prohibition Act. January 3, 2019. Sponsor: Rep. Bobby L. Rush, Illinois. This bill establishes stand-alone criminal offenses for trafficking in firearms and straw purchasing of firearms. The bill expands the categories of prohibited persons (i.e., persons barred from receiving or possessing a firearm or ammunition) to include persons who intend (1) to sell or transfer a firearm or ammunition to a prohibited person, (2) to sell or transfer a firearm to further a crime of violence or drug trafficking offense or (3) to unlawfully export. It increases the maximum prison term for the sale or transfer of a firearm to or the receipt or possession of a firearm by a prohibited person. The bill revises the existing prohibition on transferring a firearm knowing that it will be used to commit a crime of violence or drug trafficking offense. It broadens the scope of unlawful conduct and increases the maximum prison term for a violator. The bill also revises the existing prohibition on smuggling a firearm into the United States with the intent to unlawfully import or to promote a crime of violence or drug trafficking offense. It broadens the scope of unlawful conduct and increases the maximum prison term for a violator. Finally, the bill makes it a crime to smuggle a firearm or ammunition out of the United States, or conspire or attempt to do so, with the intent to unlawfully export or to promote a crime of violence or drug trafficking offense.
- 116th Congress. H.R.28: United Nations Voting Accountability Act of 2019. January 3, 2019. Sponsor: Rep. Louie Gohmert, Texas. To prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations. The term “opposed the position of the United States” means, in the case of a country, that the country’s recorded votes in the United Nations General Assembly during the most recent session of the General Assembly and, in the case of a country which is a member of the United Nations Security Council, the country’s recorded votes both in the Security Council and the General Assembly during the most recent session of the General Assembly, were the same as the position of the United States less than 50 percent of the time, using for this purpose a comparison of the recorded vote cast by each member country with the recorded vote cast by the United States. The bill would prohibit assistance under the Foreign Assistance Act of 1961, including the “Foreign Military Financing Program” account under section 23 of the Arms Export Control Act. Representative Gohmert has provided a tally of the countries that have violated his 50% standard: Of the 53 nations in Africa, only one – the Seychelles – voted the same way as the U.S. did more than half of the time (57.1 percent) and in the 33-member Latin America and Caribbean group only one – Panama – did so (51.6). In the Asia group, of the 53 countries stretching between the Middle East and the Pacific islands, six exceeded the 50 percent-plus threshold: Nauru (96 percent), Marshall Islands (89.7), Micronesia (96.2), Palau (94.2), South Korea (58.2) and Japan (58.2). In the 23-member Eastern European group, 18 countries’ votes coincided with those of the U.S. more than 50 percent of the time. The five exceptions were Belarus (27.7 percent), Azerbaijan (31), Russia (32.2) Armenia (39) and Serbia (48.2). And in the 28-member Western European and Others Group (WEOG), every nation except one – Malta (35.7 percent) – voted the same way as did the U.S. more than half of the time. (The “others” in the WEOG group are the U.S., Canada, Israel, Australia and New Zealand.). Among other group breakdowns provided in the report, Arab nations voted with the U.S. positions least often (19.7 percent of the time), followed by Organization of the Islamic Conference members (25.9). At the other end of the scale, European Union members voted the same way as the U.S. 63.9 percent of the time, and NATO allies 64.5 percent of the time.”
- 115th Congress. S.3696: Burma Human Rights and Freedom Act of 2018. November 29, 2018. Sponsor: Sen. Benjamin Cardin. To promote democracy and human rights in Burma. Except as provided under subsection (b), the President may not furnish any security assistance or engage in any military-to-military programs with the armed forces of Burma, including training or observation or participation in regional exercises, until the Secretary of State, in consultation with the Secretary of Defense, certifies to the appropriate congressional committees that the Burmese military has demonstrated significant progress in abiding by international human rights standards and is undertaking meaningful and significant security sector reform, including transparency and accountability to prevent future abuses. Senator Cardin and the cosponsors of this legislation say that the sanctions are justified because senior Burmese military officials are responsible for the atrocities and systematic human rights abuses against the Rohingya people in Burma. The United States Holocaust Memorial Museum has reported that “there is compelling evidence that the Burmese military committed ethnic cleansing, crimes against humanity and genocide against the Rohingya, the Muslim minority population of Burma.” Over 700,000 Rohingya have been forced from their homes following decades of systematic discrimination and dehumanization.

115th Congress. S.J.Res.66: A Joint Resolution Relating to the Disapproval of the Proposed Export to the Government of Qatar of Certain Defense Articles and Services. November 29, 2018. Sponsor: Sen. Rand Paul, Kentucky. With respect to any of the following proposed exports to the Government of Qatar (described in the certification Transmittal No. 18–43, sent to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate pursuant to section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) on November 28, 2018), is hereby prohibited: (1) The proposed sale of 40 AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM); (2) The proposed sale of 1 spare AIM–120C–7 AMRAAM Guidance Section; (3) The proposed sale of 1 spare AIM–120C–7 control section; (4) The proposed sale of 8 AMRAAM Captive Air Training Missile (CATM–120C); (5) The proposed sale of missile containers, classified software for the AN/MPQ–64F1 Sentinel Radar, spare and repair parts, cryptographic and communication security devices, precision navigation equipment, other software, site surveys, weapons system equipment and computer software support, publications and technical documentation, common munitions and test equipment, repair and return services and equipment, personnel training and training equipment, integration support and test equipment and U.S. Government and contractor, engineering, technical and logistics support services and other related elements of logistical and program support.

115th Congress. S.J.Res.67: A Joint Resolution Relating to the Disapproval of the Proposed Export to the Government of Egypt of Certain Defense Articles and Services. November 29, 2018. Sponsor: Sen. Rand Paul, Kentucky. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the issuance of a letter of offer with respect to any of the following proposed exports to the Government of Egypt (described in the certification Transmittal No. 17–43, sent to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate pursuant to section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) on November 28, 2018), is hereby prohibited: (1) The proposed sale of 10 AH–64E Apache Attack Helicopters (Transmittal Numbered 17–43); (2) The proposed sale of 24 1700–GE–701D Engines, with containers (Transmittal Numbered 17–43); (3) The proposed sale of 12 Modernized Target Acquisition Designation Sights/ Pilot Night Vision Sensors (M–TADS/PNVIS) (Transmittal Numbered 17–43); (4) The proposed sale of 24 Honeywell Embedded Global Positioning Systems (GPS) with Inertial Navigation System (INS) (EGI) (20 installed, 4 spares) (Transmittal Numbered 17–43); (5) The proposed sale of 24 M299 HELLFIRE Launchers (Transmittal Numbered 17–43); (6) The proposed sale of 135 HELLFIRE Missiles (Transmittal Numbered 17–43); (7) The proposed sale of 5 M36E9 Captive Air Training Missile (CATM) AGM–114R (Transmittal Numbered 17–43); (8) The proposed sale of 12 AAR–57 (V) Common Missile Warning Systems (CMWS) (Transmittal Numbered 17–43); (9) The proposed sale of M230 30mm Automatic Guns, AVR–2 B Laser Detecting Sets, AN/ARC 201E Single Channel Ground and Airborne Radio Systems (SINCGARS), AN/APR–39D Radar Warning Receivers, AN/AVS–6 Night Vision Goggles, AN/ASN Doppler Radar Systems. Also included in the request are avionics-related software support for the Aviation Mission Planning Systems (AMPS), survivability equipment, communication and electronic equipment, communication/electronics technical assistance, tools and test equipment, integration and checkout, spares and repair parts, training and training equipment, ferry and fuel support, publications and technical documents, U.S. Government and contractor technical assistance, quality assurance, construction services and other related elements of logistics and program support. Senator Paul defended his resolution with the following comments: “I am concerned that these weapons, some of the most sophisticated weapons in the world, someday may be used against Israel. I’m concerned that these weapons threaten Israel’s security and that [the United States is] sending weapons to a country with a president who recently was seen to be chanting ‘amen’ to a cleric that was saying ‘death to Israel and death to those who support Israel.’” He added, “I think it is a blunder of the first proportion to send sophisticated weapons to a country that allowed a mob to attack our embassy and to burn our flag. I find it objectionable to send weapons, F-16s and tanks, to a company that allowed a mob chanting ‘death to America’ to threaten our American diplomats.”