

Empty Promises: The Lack of Congressional Oversight of U.S. Foreign Arms Sales

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Author Note

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Abstract

Since the passage of the Arms Export Control Act (AECA) in 1976, Congress has possessed a regulatory framework to block arms sales proposed by the executive branch. However, almost half a century later, and despite no shortage of controversial weapons deals, Congress has as of yet never succeeded in passing a resolution to do so.¹ This article aims to re-assess the role of Congress in the arms sale approval process by answering two important questions: what factors drive congressional decision-making on arms transfers, and why is Congress seemingly so ineffective at constraining risky sales?

The existing literature on arms sales generally identifies four factors that motivate politicians' stances on particular transfers: strategic, economic, humanitarian, and political concerns. Through analyzing bill introductions of resolutions of disapproval under the AECA, I find evidence to support the relevance of all four motivations in determining congressional decision-making on arms sales: Congress is more likely to attempt to restrict sales to nations that are not formal U.S. allies, less likely to attempt to restrict sales during periods of high unemployment, more likely to attempt to restrict sales to nations with low levels of political freedom and high levels of political terror, and more likely to restrict sales during periods of divided government and during Republican presidential administrations. Finally, an analysis of two of the most prominent recent congressional efforts to restrict arms sales reveals that while Congress has been able to force presidential administrations to cut back proposed transfers in the past, the rapid increase in political polarization has made it nearly impossible for the legislature to do so today.

¹ Out of the 285 known concurrent and joint resolutions of disapproval that have been introduced between 1975 and 2022, only one (S.J. Res. 228) became public law (Plagakis 2022). However, this resolution merely postponed a major arms sale to Jordan.

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Introduction

The United States is the world's largest exporter of major conventional weapons.² Between 2018 and 2022, the U.S. accounted for 40 percent of global exports in major arms—a share greater than that of the next four largest exporters³ combined (Wezeman et al. 2023). Perhaps even more strikingly, over the same period the U.S. delivered major arms to a whopping 103 states, meaning that American weapons have been sent to a majority of the world's nations over the past six years alone. A foreign state is only supposed to be eligible to receive arms from the U.S. if the executive branch “finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace (Arms Export Control Act 2023). However, over the past few decades, the U.S. has repeatedly sold weapons to nations engaged in deadly conflicts, and to those with dismal human rights records. Even worse, American arms have inadvertently wound up in the hands of terrorists, criminal organizations, and enemy states on numerous occasions, forcing U.S. troops to face enemies armed with their own weaponry.⁴ Increased congressional oversight is sorely needed to ensure that the extreme potential downsides of arms sales are fully considered in determining U.S. export policy.

The role of Congress in the arms sale approval process is largely governed by the Arms Export Control Act (AECA), which was originally passed in 1976. The AECA requires the President to notify Congress of any major proposed transfers, and allows Congress to block a sale by passing a resolution of disapproval in both houses. Since its passage, Congress has introduced over 280 resolutions of disapproval intended to block specific arms sales (Plagakis

² For the purposes of this article, I will use the terms “major conventional weapons” and “major arms” interchangeably. These definitions generally exclude nuclear and biological weapons, as well as small arms and light weapons (SALW).

³ Russia, France, China, and Germany (Wezeman et al. 2023).

⁴ American troops have faced American weapons in almost every military engagement since the end of the Cold War, including in Panama, Haiti, Somalia, Iraq, Afghanistan, Yemen, and Syria (Thrall and Dorminey 2018).

2022). However, the vast majority of these resolutions never make it to a floor vote, and of the few that do, none have successfully blocked a proposed arms sale. At first glance, this may seem to indicate that the AECA has been a sweeping failure. Nevertheless, a cursory examination of some of the most prominent congressional efforts to restrict sales under the AECA reveals that Congress has been able to utilize the threat of a resolution of disapproval passing to at least force the President to the bargaining table in the past. For example, in 1986 the Reagan Administration was forced to remove controversial shoulder-mounted Stinger missiles from a proposed sale to Saudi Arabia after both houses of Congress passed a resolution disapproving of the sale with veto-proof majorities.

In more recent years, the outlook on Congress's power to meaningfully restrict arms sales has grown increasingly grim. In 2019, the Trump Administration was able to push an \$8 billion arms deal with Saudi Arabia through Congress with virtually no concessions at all, despite widespread controversy over the Saudi military's intentional targeting of civilians in Yemen (Kearney 2019). Even the Republican-controlled Senate passed 22 resolutions of disapproval intended to block every section of the proposed sale, but partisan divisions ultimately made it impossible for the legislature to overcome a presidential veto (Demirjian and Itkowitz 2019). This and other recent congressional failures to constrain the President in approving risky arms sales have led some scholars and policy advocates to question the viability of the AECA in the modern political climate. If Congress is unable to prevent the President from approving even the most egregiously risky sales, new legislation may be needed to re-assert its role in the arms approval process.

Any policy action on this front must be informed by two questions: what factors drive congressional decision-making on arms transfers, and why is Congress seemingly so ineffective

at constraining risky sales? To answer these questions, I first begin by examining the history of the AECA and how it has evolved over time. Second, I review the existing literature on the various factors that motivate politicians' behavior regarding arms sales, as well as on the role of Congress in foreign policy in general. Third, I conduct a quantitative analysis of bill introductions of resolutions of disapproval, determining which characteristics of proposed arms sales make it more likely for Congress to attempt to restrict them. And finally, I examine two case studies of especially prominent congressional efforts to restrict arms sales (the aforementioned deals with Saudi Arabia in both 1986 and 2019), drawing from outside literature as well as congressional floor speeches in order to ascertain how the debate over arms sales has changed over the past few decades.

A History of the Arms Export Control Act

The AECA has its roots in the contentious political climate of the Nixon administration, when some members of Congress feared that weapons sales conducted in secret⁵ by the President would entangle the U.S. into more disastrous foreign conflicts like Vietnam (Tompa 1986). These concerns led Senator Gaylord Nelson and Representative Jonathan Bingham to successfully sponsor an amendment to the Foreign Assistance Act of 1974 that required the President to notify Congress before concluding arms sales valued over \$25 million, and granted Congress the authority to block individual sales within twenty calendar days of notification. While undeniably an important first step, these measures eventually proved insufficient—the reporting threshold was too high, and the congressional review period was too short, among other concerns. The deficiencies of the Nelson-Bingham amendment were plainly displayed in May 1975, when the Ford Administration successfully stonewalled congressional demands for information regarding its planned sale of a Hawk air defense system to Jordan. Moreover, the administration planned a formal sale notification just before Congress went on recess for the summer, leaving the legislature with too little time to even consider passing a resolution of disapproval.

Infuriated by the Ford Administration's blatant efforts to disregard the legislature's role in the arms sale decision-making process, in 1976 Congress geared up to pass comprehensive legislation governing arms export controls. Unsurprisingly, the executive branch did not readily accept Congress's demands. After the administration vetoed an early version of the legislation,⁶ Congress was forced to compromise and draft a new, watered-down version, which President

⁵ In 1973, President Nixon secretly agreed to sell sophisticated weaponry to Iran, Saudi Arabia, and Kuwait. These sales were only revealed to Congress (and to the American public) through the press, prompting congressional indignation (Tompa 1986).

⁶ S. 2662, the immediate precursor to the AECA, passed both houses of Congress with substantial majorities in 1976. The Ford administration objected to the bill's numerous legislative veto provisions, arguing that they violated the doctrine of separation of powers (Tompa 1986).

Ford signed into law on July 1st as the International Security Assistance and Arms Export Control Act of 1976 (AECA). One of the concessions granted to the administration was the removal of language that allowed Congress to block aid to countries with serious human rights violations. In his veto message to Congress, President Ford argued that this provision would “impair our ability to deal by more appropriate means with objectionable practices of other nations” (Gwertzman 1976).

Even despite such overt presidential resistance, the AECA greatly increased the role of Congress in the arms sale approval process. It built upon the deficiencies of the Nelson-Bingham Amendment by expanding presidential reporting requirements, extending the congressional review period, and regulating commercial weapons sales instead of merely addressing government-to-government transfers. Under the AECA, the executive branch was required to submit detailed certifications of major arms sales to Congress before even issuing a letter of offer to a foreign government, enabling the legislature to review individual transfers much earlier in the approval process. Congress would then have thirty days to pass a concurrent resolution of disapproval, requiring only a simple majority in both houses to block a proposed arms sale. Finally, the AECA mandated that major arms sales worth over \$25 million be conducted on a government-to-government basis, preventing U.S. defense contractors from escaping congressional oversight by selling directly to foreign governments (Tompa 1986). Despite its concessions, the AECA guaranteed that the legislature would at least play a role in determining U.S. arms export policy, and realized Congress’s desire to hold administrations accountable for risky weapons transfers.

While the AECA has been subject to many amendments since the 1970s, its overall structure remains largely intact today—requiring the executive branch to report information on

potential arms sales to Congress, and allowing the legislature to block proposed sales within a specified review period. Though the exact details are slightly different in either case, Congress can introduce resolutions of disapproval for government-to-government foreign military sales (FMS) as well as direct commercial sales (DCS) from American defense firms to foreign nations (see Figures 1 and 2). However, one notable change has made it dramatically more difficult for Congress to successfully block a sale. Recall that Congress was originally able to block a sale by passing a concurrent resolution of disapproval, which required only a simple majority in both houses and was not subject to a presidential veto. This ability effectively gave Congress veto power over arms sales proposed by the President. But after the Supreme Court ruled that the legislative veto was unconstitutional in *Immigration and Naturalization Service v. Chadha*, the AECA was amended in 1985 to require a joint resolution of disapproval to be passed in both houses in order to block a sale (Tompa 1986). Joint resolutions are subject to a presidential veto, effectively raising the threshold for Congress to block a sale from a simple majority to a veto-proof two-thirds majority. In a legislature increasingly defined by sharp partisan divisions, this is a far more difficult feat to accomplish, especially for a topic as controversial as arms sales.

Figure 1: Congressional Notification Requirements for Foreign Military Sales (FMS)

The AECA, Section 36(b) (22 U.S.C. §2776(b)), requires State Department reporting to Congress as follows:

- 30 calendar days before issuing a Letter of Offer and Acceptance (LOA) for major defense equipment valued at \$14 million or more, defense articles or services valued at \$50 million or more, or design and construction services valued at \$200 million or more.
- 15 calendar days before issuing an LOA for NATO member states, NATO, Japan, Australia, South Korea, Israel, or New Zealand for sale, enhancement, or upgrading of major defense equipment valued at \$25 million or more, defense articles or services at \$100 million or more, or design and construction services of \$300 million or more.

Congress reviews formal notifications pursuant to procedures in the AECA and has the authority to block a sale.

(Lucas and Vassalotti, 2020)

Figure 2: Congressional Notification Requirements for Direct Commercial Sales (DCS)

The AECA, Section 36(b) (22 U.S.C. §2776(c)), specifies reporting to Congress on the following:

- 30 calendar days before issuing an export license for major defense equipment valued at \$14 million or more, or defense articles or services valued at \$50 million or more.
- 15 calendar days before issuing an export license for NATO member states, NATO, Japan, Australia, South Korea, Israel, or New Zealand for sale, enhancement, or upgrading of major defense equipment valued at \$25 million or more, defense articles or services at \$100 million or more, or design and construction services of \$300 million or more.

Congress reviews formal notifications pursuant to procedures in the AECA and has the authority to block a sale.

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Literature Review

While the history of the AECA clearly depicts a broad congressional desire to curtail executive power over arms sales and place human rights concerns under greater scrutiny during the approval process, it would be reductive to characterize Congress as a unified front in this effort. Individual members of Congress hold widely differing views on the merits and pitfalls of specific arms sales, just as individual executives and foreign policy scholars do. And while the various theories that attempt to explain arms sales decision-making regarding arms sales are rarely applied at the congressional level, we can still draw upon broader foreign policy research to create a framework for assessing what motivates individual members of Congress to behave the way they do.

The Strategic Hypothesis

Scholars typically examine executives' and nations' arms sales decision-making through four separate factors: strategic, economic, political, and humanitarian concerns. Strategic motivations have typically been viewed as the most salient decision-making factor by the academic community, with researchers such as Keren Yahri-Milo, Alexander Lanoszka, and Zack Cooper contesting that "U.S. decisionmakers [have] focused primarily on the commonality of security interests and the local military balance in determining which bundles of military assistance to give client states" (Yarhi-Milo et al. 2016). Yarhi-Milo et al. argue that patron states such as the U.S. will only provide costly arms sales to recipient nations whose security interests are at least somewhat compatible with their own, and whose military capabilities are deemed insufficient to adequately defend against their adversaries (see Figure 3). Viewing arms sales as an alternative to alternate types of foreign assistance, such as formal alliances or treaties, illustrates why they are such an attractive option for policymakers. Merely transferring weapons

instead of signing a binding defense agreement reduces the risk of entangling the U.S. in a foreign conflict. And while arms sales are inherently risky due to the U.S.’s inability to fully control the behavior of recipient nations, potentially endangering the lives of American troops is a far less palatable alternative.

Figure 3: The Patron’s Dilemma

Yarhi-Milo et al. (2016)		Client’s military capability against adversaries	
		Unfavorable	Favorable
Commonality of security interests	Highly compatible	Defense pact and costly arms	Defense pact but no costly arms
	Somewhat compatible	Costly arms but no defense pact	Neither defense pact nor costly arms

Arms sales can indeed be a useful tool for the U.S. to maintain a favorable balance of power in a particular region of the globe. For example, during the Cold War, the U.S. used arms sales as “part of a broader strategy to deter the Soviet Union from invading Western Europe” (Thrall and Dorminey 2018). Similarly, the U.S. has long used arms sales as means to counter the threat of China, providing Taiwan with over \$2.4 billion worth of military assistance between 1951 and 1996 (Yarhi-Milo et al. 2016). In particular, when foreign adversaries step up their military activity, the U.S. may be pressured into transferring weapons to nearby friendly regimes as a means of deterrence. Yarhi-Milo et al. describe how, after Israel’s victory in the Six-Day War of 1967, the Soviet Union began pouring arms and influence into other nations in the Middle East, threatening to shift the balance of power in the region.⁷ While the U.S. had previously refrained from selling costly arms to Israel, the magnitude of arms transfers between the two

⁷ After Egypt began its so-called War of Attrition against Israel in 1969, the Soviet Union “[gave] surface-to-air missiles to Egypt, provided the Egyptians access to 10,000 Soviet advisers, and deployed Soviet combat pilots to fly over the Egyptian mainland” (Yarhi-Milo et al. 2016).

nations increased dramatically after 1968 (Yarhi-Milo et al. 2016). And even despite serious differences in strategic interests, the presence of a shared enemy is a powerful incentive for the U.S. to bolster the military capabilities of foreign nations—evidenced by the fact that, after 9/11 the U.S. sold weapons to Afghanistan and Iraq in order to “bolster their ability to defeat the Taliban, al Qaeda, and the Islamic State” (Thrall and Dorminey 2018).

In addition to strengthening allies and deterring foreign adversaries, arms sales may also be used to obtain leverage over foreign states. Scholars have noted that the U.S. has used arms sales to “gain access to overseas military bases, pressure countries to vote with the United States at the United Nations, discourage conflict, and encourage domestic political reforms” (Thrall et al. 2020). For example, during the Reagan administration, the U.S. agreed to construct modern military bases in Saudi Arabia and supply the nation with advanced weaponry in exchange for access to the bases in the event of a military crisis (Hartung 1991). Especially for countries that receive a large portion of their military support from the U.S., the influence created by arms sales can be sizable. As one Israeli official acknowledged: “If the United States, which provides Israel with \$2 billion in annual military aid, demands that we will not sell anything to China — then we won’t” (Neuman 2010). Former Assistant Secretary of State for Political-Military Affairs Andrew Shapiro summed up the arms-for-influence argument as follows: “When the U.S. transfers a weapon system, it is not just providing a country with military hardware, it is both reinforcing diplomatic relations and establishing a long-term security partnership” (Shapiro 2012).

But while the strategic benefits of arms sales appear enticing on paper, they are still an unpredictable and often unreliable mechanism for achieving the U.S.’s strategic goals. Especially in the modern global arms market, where buyers have no shortage of suppliers to turn to, the

U.S. is increasingly reluctant to rebuke a foreign nation by cutting off sales. Yarhi-Milo et al. directly address the shortcomings of this argument, observing that while U.S. decision-makers “often discussed using arms to obtain leverage with Israel,” they were dissuaded by fears that withholding aid would “make Israel anxious and aggressive while emboldening the Soviet Union and its Middle Eastern clients (Yarhi-Milo et al. 2016). Moreover, in some cases arms sales may actually decrease regional stability—political scientist Gregory Sanjian finds that arms transfers initiated by the U.S. and USSR “failed to improve political and military relations” between India and Pakistan, Iran and Iraq, and Ethiopia and Somalia from 1950 to 1991 (Sanjian 1999). While arms sales can help to strengthen U.S. allies, they may also influence regional adversaries to step up their own military activity as a response, ultimately leading to heightened tension and a greater likelihood of armed conflict (Thrall and Dorminey 2018).

The Economic Hypothesis

Although strategic considerations may be viewed as the most relevant in determining politicians’ arms sales decision-making, it is impossible to ignore the domestic economic implications of the global arms trade. Out of the 100 largest weapons manufacturers in the world, 40 are located in the U.S. (Stockholm International Peace Research Institute 2022). These 40 companies alone collectively recorded a whopping \$299 billion worth of arms sales in 2021. And while many U.S. defense contractors depend on government spending to provide the majority of their revenue, arms exports can help to sustain jobs and keep factories open, especially during periods of reduced domestic procurement (Thrall et al. 2020). Moreover, advocates of arms sales contend that competing in the global market enables American firms to stay innovative and preserve the U.S.’s technological advantages in certain areas of arms production.

Foreign policy scholar William D. Hartung argues that these rationales for arms transfers became especially relevant during the early 1970s, when rising oil prices and the beginning of the U.S.'s withdrawal from Vietnam created powerful economic incentives for increased arms transfers (Hartung 1991). During the Nixon Administration, Secretary of State Henry Kissinger argued in favor of massive arms sales to oil-producing nations in the Middle East in order to “[recycle] the petrodollars that were rapidly flowing out of the United States” (Hartung 1991). At the same time, U.S. military contractors were hurriedly searching for new foreign markets to make up for cutbacks in U.S. spending on the Vietnam War. The Grumman Corporation⁸ was practically saved from bankruptcy by the Shah of Iran in 1976, who arranged a bank loan to allow the company to recover its losses on the expensive F-14 fighter program. Other defense firms began to rely on foreign arms sales as well, with the Northrop Corporation⁹ building the bulk of its business around overseas sales of F-5 fighters during the 1970s. By the end of the decade, companies such as Northrup and General Dynamics were getting “anywhere from a quarter to more than half” of their military business from foreign sales (Hartung 1991).

The increasing reliance of U.S. weapons manufacturers on foreign military exports created powerful incentives to convince Congress that these transfers served the interests of the American people. As early as the mid-1970s, the Pentagon and the defense industry began inflating estimates of the jobs and income that would be generated by foreign military sales (Hartung 1991). This troubling practice carried over into subsequent presidential administrations as well: In 1989, the first Bush administration incorporated General Dynamics' exaggerated figures on the economic benefits of selling M-1 tanks directly into the State Department's fact sheet on the sale (Hartung 1991). More recently, in 2018 former President Trump came under

⁸ The Northrop Corporation bought the Grumman Corporation in 1994, creating the well-known aerospace and defense contractor now known as the Northrop Grumman Corporation (“Our Heritage” n.d.)

fire for his wildly inconsistent claims about the number of jobs that would be created by a controversial arms sale to Saudi Arabia. In under a week, he went from claiming that the proposed \$110 billion transfer would create “450,000 jobs” to “over a million jobs” (Kessler 2018). A report from the Center for International Policy revealed that the sale ultimately wound up creating only between 20,000 and 40,000 jobs (Hartung 2018).

Even despite active misinformation from weapons manufacturers, the potential economic benefits of arms sales may be generally overstated due to two factors: the increasing prevalence of offset requirements, and poor job creation rates in the defense industry as a whole. Offsets are contractual obligations that add additional incentives for recipient nations to purchase arms from exporters, typically ensuring that a sizable portion of the economic benefits resulting from an arms deal goes directly to the recipient nation. For example, the United Arab Emirates recently revised its offset guidance to require firms to invest 60 percent of a contract’s value back into their economy—meaning that any arms deals with the UAE will likely end up cutting into American defense jobs (Caverly 2021). The negative impacts of offsets are often difficult to circumvent, as nations interested in purchasing weapons can force exporters to compete with one another, accepting higher and higher offset percentages in order to win lucrative defense contracts. In some egregious cases, foreign nations have successfully negotiated offset requirements in arms deals that were directly financed by the U.S. government—even though they could not use these funds to purchase weapons from any other nation (Wiggins et al. 1994). Finally, proponents of the economic benefits of arms sales must contend with the fact that military spending simply does not create as many jobs as spending in other sectors of the economy. In examining job creation rates across different industries, the economist Heidi Garrett-Peltier finds that \$1 million in federal defense spending results in 6.9 new jobs

(Garrett-Peltier 2017). In comparison, the same amount of spending on healthcare or primary and secondary education would respectively create 14.3 and 19.2 new jobs (Garrett-Peltier 2017).

Despite these caveats, politicians continue to tout the economic benefits of arms sales. The Trump Administration in particular placed a conspicuously greater emphasis on economic factors in comparison with the arms sales decision-making of previous administrations. The administration’s Conventional Arms Transfer (CAT) policy, a directive typically issued by presidents to outline their goals in evaluating arms exports, was widely viewed as excessively prioritizing economic concerns (see Figure 2). Especially in the face of ardent presidential support, economic arguments in favor of weapons transfers remain difficult to ignore, especially for members of Congress who may justifiably fear political repercussions if they are portrayed as voting against creating jobs in their district by supporting constraints on arms sales.

Figure 4: Statements of Purpose in Recent CAT Policies⁹

Biden	“The United States CAT Policy will bolster the security of allies and partners and contribute to shared security objectives; enhance global deterrence; promote respect for international humanitarian law and human rights; adhere to international nonproliferation norms; strengthen partnerships that preserve and extend our global influence; spur research and development efforts ; and enhance interoperability with our allies and partners. By aligning United States conventional arms transfer policy with United States foreign policy and national security objectives, the United States can continue to be the primary security cooperation partner of choice for its allies and partners, as well as a global leader in advancing the protection of human rights, supporting nonproliferation, and strengthening stability” (Memorandum on United States Conventional Arms Transfer Policy 2023).
Trump	“By better aligning our policy regarding conventional arms transfers with our national and economic security interests , the approach outlined in this memorandum will serve several functions. It will help us maintain a technological edge over potential adversaries; strengthen partnerships that preserve and extend our global influence; bolster our economy; spur research and development;

⁹ Each of the statements depicted in Figure 2 were taken from the introductory paragraphs of the respective administration’s presidential policy directive or national security memorandum outlining their Conventional Arms Transfer policy. While individual administrations format their CAT policies differently, it is my belief that these statements fairly represent the summarized intentions of each policy. Added emphasis to highlight economic motivations is my own.

	<p>enhance the ability of the defense industrial base to create jobs; increase our competitiveness in key markets; protect our ability to constrain global trade in arms that is destabilizing or that threatens our military, allies, or partners; and better equip our allies and partners to contribute to shared security objectives and to enhance global deterrence. These security objectives include countering terrorism, countering narcotics, promoting regional stability, and improving maritime and border security” (National Security Presidential Memorandum Regarding U.S. Conventional Arms Transfer Policy 2018).</p>
Obama	<p>“United States conventional arms transfer policy supports transfers that meet legitimate security requirements of our allies and partners in support of our national security and foreign policy interests. At the same time, the policy promotes restraint, both by the United States and other suppliers, in transfers of weapons systems that may be destabilizing or dangerous to international peace and security” (Presidential Policy Directive -- United States Conventional Arms Transfer Policy 2014).</p>

The Political Hypothesis

Attempting to explain politicians’ decision-making in any policy area without considering the effects of partisanship would be a grave oversight, and arms sales are no exception. Political scientists such as William G. Howell and Jon C. Pevehouse have long contended that partisan divisions impact Congress’s stances on matters of war. They observe that, when the legislative branch is controlled by the president’s party, it generally goes along with the executive. But when the opposition party holds a large number of seats or controls one or both houses of Congress, members “routinely challenge the president and step up oversight of foreign conflict” (Howell and Pevehouse 2007). Notwithstanding genuine partisan differences in foreign policy views, Howell and Pevehouse argue that members of the opposition party have strong electoral incentives to criticize the President’s actions abroad. They note that presidential approval ratings typically increase due to a “rally around the flag” effect during times of war. As a result, members of the President’s party are compelled to stand with the White House to

capitalize on rising public support, while the opposition party is driven to highlight any executive failures or missteps in order to counter this effect.

While Howell and Pevehouse do not focus on arms exports specifically, their overall argument that partisan divisions impact Congress's stances on foreign policy matters is certainly relevant to weapons sales. To support this claim, Howell and Pevehouse examine the notable increase in congressional oversight over the Iraq War following the 2006 midterm elections. Between 2000 and 2006, foreign policy scholars blasted the Republican-controlled Congress for failing to adequately monitor the Bush Administration's military actions abroad. Political scientists Norman Ornstein and Thomas Mann brusquely concluded that during this period, congressional oversight of the White House's foreign policy had "virtually collapsed" (Howell and Pevehouse 2007). However, after Democrats regained control of both houses of Congress in 2006, the legislature quickly began to sharply criticize the administration's handling of the war. Immediately following the midterm elections, the House passed a resolution condemning a proposed increase of U.S. troops in Iraq, and the Senate debated a series of resolutions expressing outrage against the war as a whole. And in the spring of 2007, President Bush was forced to veto a House bill that called for a phased withdrawal from Iraq. In addition to direct legislative action, Democratic committee chairs in both houses launched a plethora of hearings and investigations into the administration's dealings in Iraq. This striking change in Congress's activity clearly shows how great of an impact the partisan breakdown of the legislature can have on its willingness to constrain the executive branch on foreign policy matters.

President Bush is by no means the only executive to have faced staunch opposition on military affairs from an unfriendly Congress. In 1999, following NATO air strikes against Serbia during the Kosovo War, a Republican-controlled House passed a bill preventing President

Clinton from using Defense Department funds to send in U.S. ground troops without congressional authorization. And in 1976, a Democratic Congress forced the Ford Administration to suspend military assistance to anticommunist forces in Angola. Howell and Pevehouse note that, regardless of who holds the majority, it is “almost always the opposition party that creates the most trouble for a president intent on waging war” (Howell and Pevehouse 2007).

The Humanitarian Hypothesis

Selling weapons abroad is inherently risky. Arms sales can lead to disastrous humanitarian consequences, including empowering repressive regimes, decreasing regional stability, and even potentially forcing the U.S. into unnecessary military action. As such, nearly every presidential administration has affirmed its commitment to seriously consider human rights concerns in approving weapons transfers (see Figure 3). However, these stated intentions often fall far short of reality. According to researchers A. Trevor Thrall and Jordan Cohen, since 9/11 the U.S. has sold more arms to countries rated “not free” by Freedom House than to those rated “free” or “partly free” (Thrall et al. 2020). Moreover, between 2002 and 2016, the 22 countries coded as “highest risk” on the Global Terrorism Index bought an average of \$1.91 billion worth of American weapons (Thrall and Dorminey, 2018). In fact, Thrall and Cohen conclude that there is “little evidence that risk has any important effects on arms sales decisions” (Thrall and Cohen, 2020).

Figure 5: Human Rights Considerations in Recent CAT Policies¹⁰

Biden	<p>“The risk that the recipient may use the arms transfer to contribute to a violation of human rights or international humanitarian law, based on an assessment of the available information and relevant circumstances, including the capacity and intention of the recipient to respect international obligations and commitments... The overall stability of the recipient country’s political system, and the degree to which a receiving government possesses well-governed security institutions that are subject to the rule of law, with effective accountability mechanisms for its security sector, effective civilian control of security forces, and a demonstrated commitment to improving transparency and countering corruption in its defense acquisition system... The risk that the transfer will have adverse political, social, or economic effects within the recipient country, including by negatively impacting the protection of human rights, fundamental freedoms, or the activity of civil society; encourage or contribute to corruption; contribute to instability, authoritarianism, or transnational repression; contribute to impunity of security forces; or undermine democratic governance or the rule of law...” (Memorandum on United States Conventional Arms Transfer Policy 2023).</p>
Trump	<p>“The risk that the transfer may be used to undermine international peace and security or contribute to abuses of human rights, including acts of gender-based violence and acts of violence against children, violations of international humanitarian law, terrorism, mass atrocities, or transnational organized crime.” (National Security Presidential Memorandum Regarding U.S. Conventional Arms Transfer Policy 2018).</p>
Obama	<p>“The human rights, democratization, counterterrorism, counterproliferation, and nonproliferation record of the recipient, and the potential for misuse of the export in question... The likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law, retransfer the arms to those who would commit human rights abuses or serious violations of international humanitarian law, or identify the United States with human rights abuses or serious violations of international humanitarian law” (Presidential Policy Directive -- United States Conventional Arms Transfer Policy 2014).</p>

¹⁰ The statements depicted in Figure 3 are taken from the section of the relevant administration’s CAT policy which outlines factors included in the arms sales decision-making process. In the Obama Administration’s CAT policy, this section is titled “Process and Criteria Guiding U.S. Arms Transfer Decisions;” in both the Trump and Biden Administration’s CAT policies, it is simply titled “Arms Transfer Decisions.” This is not the only section of a CAT policy where humanitarian motivations may be present—in fact, the Biden Administration’s CAT policy has an entire section dedicated to human rights. However, it is my belief that these statements offer the fairest comparison between different administrations’ policies. Finally, it should be noted that all three CAT policies depicted in Figure 3 state that arms transfers will not be authorized in cases where the U.S. has knowledge that they may lead to genocide or other crimes against humanity.

Nevertheless, there does exist some scholarly evidence that the U.S. government considers human rights in approving arms sales. Political scientist Shannon Lindsey Blanton argues that, after the Cold War, human rights and democracy became important determinants of U.S. arms sales. She shows that during the post-Cold War period, countries which abused human rights were 11% less likely to be recipients of U.S. arms (Blanton 2005). Additionally, the U.S. has on occasion banned arms transfers to nations in response to human rights violations. For example, after Nigeria's democratically elected government was overthrown in 1999, the U.S. blocked arms transfers to the subsequent military regime (Blanton 2005). Additionally, several countries with particularly poor records are expressly prohibited from purchasing American weapons, including Belarus, Myanmar, China, Cuba, Iran, North Korea, Syria, and Venezuela (Sargsyan 2022). Congress has even had some success in prohibiting transfers to certain regimes, such as in 1976 when it cut off exports to Chile due to human rights concerns surrounding the Pinochet dictatorship (Bawden 2013).

The potential downsides of risky arms deals cannot be overstated. American troops have wound up fighting enemies armed with American-made weapons on multiple occasions—in 1989 after former U.S. ally General Manuel Noriega took power in Panama, and in 1991 during the Somali Civil War, to name a few (Thrall et al. 2020; Thrall and Dorminey 2018). One particularly egregious example of blowback is the 1979 Iranian Revolution, when the fiercely anti-American Ayatollah Ruhollah Khomeini seized control of billions of dollars worth of American weapons previously given to Iran. And even barring an unexpected political change, arms can easily wind up in enemy or criminal hands when the recipient nation is unprepared or too corrupt to adequately protect their stockpiles. The results can be just as disastrous, such as in 2014 when Islamic State fighters captured three Iraqi divisions worth of American military

equipment, including tanks, armored vehicles, and infantry weapons (Thrall et al. 2020). While individual members of Congress may differ in how heavily they consider humanitarian factors in assessing arms sales, it is difficult for even the most hawkish politicians to disregard the severity of the potential risks involved.

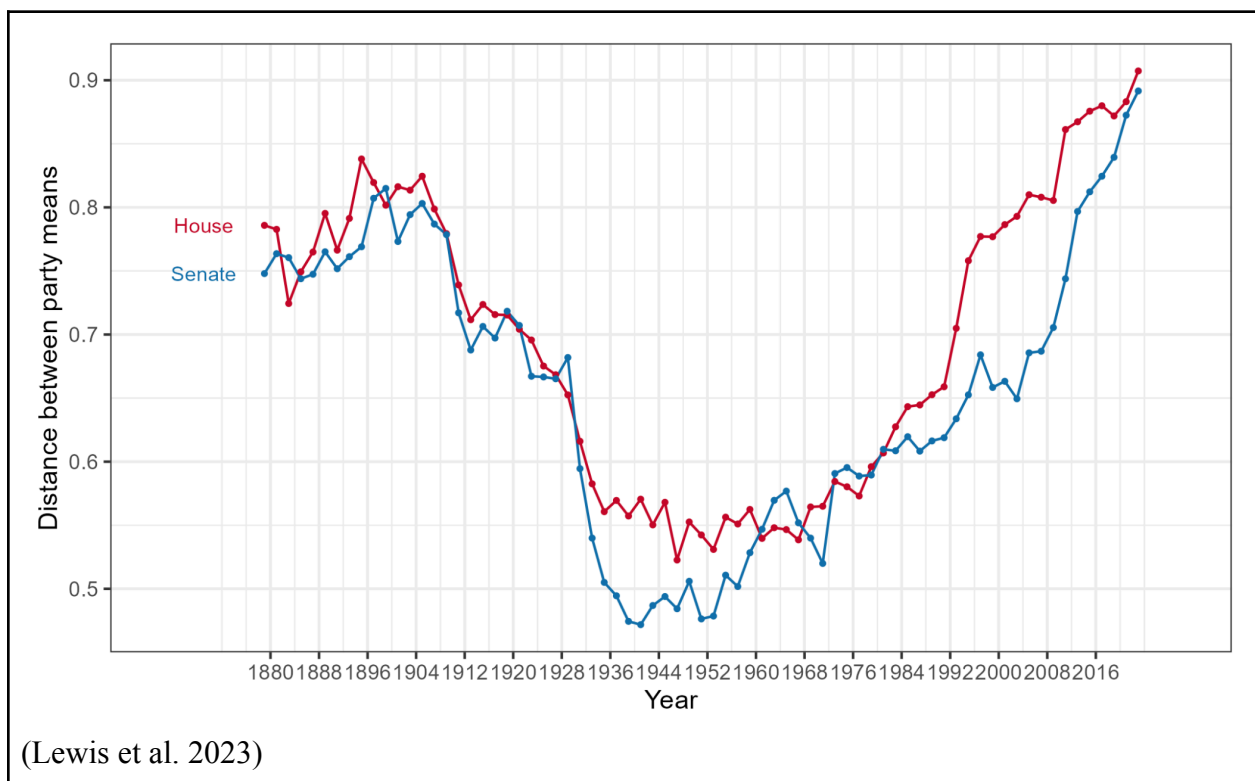
Congress's Declining Role in Determining Foreign Policy

We now have a robust framework to assess the decision-making of members of Congress regarding arms sales, considering strategic, economic, political, and humanitarian motivations. However, one last factor remains to be addressed: the notable decline in congressional action on foreign policy matters as a whole. According to political scientists James Goldgeier and Elizabeth Saunders, “Congress' oversight of U.S. foreign policy has declined markedly since the early Cold War, and especially since the mid-1990s” (Goldgeier and Saunders 2018). An example of this trend is the dramatic decrease in the number of hearings held by the Senate Foreign Relations Committee, which has diminished one of the most visible methods for Congress to draw public attention to foreign policy matters and put pressure on the President. This is a troubling development, as when the legislature forgoes its responsibilities to constrain the executive branch in its actions abroad, the government loses a vital mechanism to ensure transparency and careful decision-making in U.S. military and security policy.

Goldgeier and Saunders attribute the decline in congressional oversight of U.S. foreign policy to two main factors: the rise of partisanship and the decline of congressional expertise in the foreign policy arena. Political polarization has steadily risen since the 1970s, increasing sharply in the 1990s (see Figure 4). This trend dramatically reduces the likelihood that members of the President's party in Congress will break party lines and rebuke the executive branch for risky actions abroad. As a result, during periods of united government, Congress will generally

defer to the President. And even during periods of divided government, partisan differences make it nearly impossible for legislators to overcome gridlock and present a unified front to effectively restrain executive decision-making. Presidents have increasingly begun to rely on executive agreements instead of more formal agreements such as treaties, fully aware of the difficulty of getting an unfriendly Congress to support their foreign policy initiatives. For example, in 2015 President Obama chose to make the Iran Nuclear Deal an executive agreement instead of attempting to get a treaty past the Republican-controlled Congress (Goldgeier and Saunders 2018).

Figure 6: The Rise in Political Polarization



Making matters worse, members of Congress may simply have less expertise on foreign policy matters than they used to. The media has consistently paid less attention to vital congressional committees such as the House Foreign Affairs Committee and the Senate Foreign

Relations Committee, thus diminishing their reputational value. Increased turnover in these committees has led to less seniority, making it harder for members of Congress to specialize and become experts on complicated issues abroad. Additionally, individual Senators now commonly sit on a greater number of committees than they did in the past, further reducing their depth of knowledge. In the face of reduced attention, more responsibilities, and the slim possibility of exerting real influence over the President due to polarization, it is all too apparent how individual members of Congress may inadvertently wind up abdicating their oversight of U.S. foreign policy.

Testing Congressional Motivations Behind Arms Sales Restrictions

Now that we have explored the history of the AECA, identified several factors that influence arms sales decision-making, and reviewed the impact of polarization on Congress's role in foreign policy matters, I return to the two central questions this paper seeks to address: what factors drive congressional decision-making on arms transfers, and why is Congress seemingly so ineffective at constraining risky sales? To answer these questions, I will analyze bill introductions of resolutions of disapproval under the AECA, in addition to case studies of two of the most prominent recent congressional efforts to restrict arms sales. While they are not the only means through which Congress can exert influence over the executive branch on arms sales, I have chosen to focus on resolutions of disapproval because they provide clear and tangible examples of congressional arms sales decision-making.

Analyzing how the various factors described in the literature review influence congressional arms sales decision-making is relatively straightforward—strategic, economic, political, and humanitarian motivations can all be assessed quantitatively through various characteristics of individual resolutions of disapproval, and qualitatively through coding members' speeches on floor votes relating to said resolutions. However, attempting to explain Congress's disappointing track record in constraining risky sales is more complex, as it has never successfully blocked a sale with a resolution of disapproval under the AECA. As a result, I have chosen as case studies two examples of “near misses” where the legislature came strikingly close to passing a resolution of disapproval—in 1986, when Congress attempted to block missile sales to Saudi Arabia, and in 2019, when Congress attempted to block sales to Saudi Arabia, Jordan, and the United Arab Emirates. At the very least, this approach will allow us to better explain under which circumstances Congress would be expected to succeed in passing a resolution of

disapproval. Moreover, we can examine how the serious threat of a legislative prohibition may effectively constrain the President by forcing them to the bargaining table, even if the relevant resolution does not wind up passing.

Hypotheses

Based on the existing literature surrounding the debate over arms sales and the role of Congress in foreign policy matters, I propose the following hypotheses relating to bill introductions of resolutions of disapproval under the AECA:

1. *Strategic*: Congress is more likely to introduce a resolution of disapproval on sales to non-allies than to allies.
2. *Economic*: Congress is less likely to introduce a resolution of disapproval during economic downturns, when concerns over job losses are most salient.
3. *Political*: Members of the opposition party in Congress are more likely to introduce a resolution of disapproval than members of the President's party.
4. *Humanitarian*: Congress is more likely to introduce a resolution of disapproval on sales to nations with serious human rights concerns.
5. *Political Polarization*: Congress is less likely to restrict arms sales as political polarization increases.

Similarly, I propose the following hypotheses relating to the case studies of prominent congressional efforts to block proposed sales:

1. *Strategic*: Members of Congress vote to approve or disapprove of arms sales based on their presumed strategic benefits to the U.S. (e.g. strengthening allies, increasing U.S. leverage over recipient nations).

2. *Economic*: Members of Congress vote to approve or disapprove of arms sales based on their domestic economic benefits (e.g. job creation in the defense industry).
3. *Political*: Members of Congress vote to approve or disapprove of arms sales based on political motivations (e.g. displaying party loyalty, criticizing the opposition party/president).
4. *Humanitarian*: Members of Congress vote to approve or disapprove of arms sales based on human rights concerns (e.g. military abuses by the recipient nation, corruption/repressiveness of the recipient regime, risk of weapons being sold/winding up in the hands of terrorists or enemy states).
5. *Political Polarization*: Members of Congress will be less likely to cross partisan lines in voting to approve or disapprove of arms sales as political polarization increases.
6. *Presidential Authority*: Members of Congress vote to approve or disapprove of arms sales based on concerns over the use of presidential power in conducting said sales (e.g. authorizing emergency declarations, neglecting to informally notify Congress of sales).

Of course, it is impossible to fully determine which of the above factors actually determine the stance of an individual member of Congress—for example, a politician who appears to be primarily motivated by strategic concerns may secretly have economic interests at heart.

Nevertheless, these hypotheses will at the very least allow us to test what factors most influence the overall debate over arms sales in Congress, which ultimately drives congressional decision-making on the matter.

Methodology

As stated above, I will conduct two stages of analysis on resolutions of disapproval under the AECA, examining both bill introductions of resolutions of disapproval and case studies of prominent congressional efforts to restrict sales in 1986 and 2019. I propose this research design because it allows us to examine both quantitative and qualitative indicators of congressional motivations regarding arms sales.

At the broadest level of my analysis, I will examine bill introductions of concurrent and joint resolutions of disapproval in both houses under the AECA from 1976 to 2022, generating figures and summary statistics in order to draw general conclusions about the conditions under which Congress is more likely to attempt to block a sale. I will then cross-reference recent bill introductions of resolutions of disapproval to the corresponding arms sales notifications transmitted to Congress by the Defense Security Cooperation Agency (DSCA). This will allow us to run a regression to specifically analyze what characteristics of a particular sale make it more likely that Congress will attempt to block the transfer. Itemized data on arms sales notifications is only available since 2004, and data on direct commercial sales (DCS) is inconsistently reported, so I will include only foreign military sales (FMS) notified to Congress between 2004 and 2022 in the regression model.

I have chosen to run a logistic regression, since the dependent variable only takes two values (whether or not a resolution of disapproval is introduced for a given arms sales notification). This model will include a mixture of numeric and categorical variables, depicted in Figures 7 and 8:

Figure 7: Variables of Interest & Data Sources

Bill Introduction (<i>BI</i>)	Binary dependent variable. $BI = 1$ if a notification resulted in the introduction or a
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	resolution of disapproval, $BI = 0$ otherwise. Data taken from Congress.gov and the Congressional Research Service (Library of Congress 2023; Plagakis 2022).
Amount (A)	Continuous independent variable. A represents the total estimated value of the proposed sale, in billions of U.S. dollars. Data taken from the Center for International Policy's Security Assistance Monitor (Security Assistance Monitor 2022).
Polarization Index (PI)	Continuous independent variable. PI measures the difference in party mean DW-Nominate scores, averaged across each chamber of Congress. Data taken from the UCLA VoteView Project (Lewis et al. 2023).
Freedom Index (FI)	Categorical independent variable. FI assesses the condition of political rights and civil liberties in each nation by year. FI can take one of three values: Free (F), Partially Free (PF), or Not Free (NF). Data taken from Freedom House's Freedom in the World Index (Freedom House 2023).
Political Terror Scale (PTS)	Categorical independent variable. PTS represents the State Department's assessment of the degree of political terror and state violence in each nation by year. PTS can take values ranging from 1 to 5, where 1 represents the lowest degree of political terror, and 5 represents the highest. Data taken from the Political Terror Scale Project.
Ally Status (AS)	Binary independent variable. $AS = 1$ if a nation is either in NATO or a Major Non-NATO Ally (MNNA) in a given year. Data taken from NATO and the State Department (NATO Member Countries 2023; Major Non-NATO Ally Status 2021).
Unemployment Rate (UR)	Continuous independent variable. UR represents the number of unemployed people as a percentage of the labor force. Data taken from the Bureau of Labor Statistics (U.S.

	Bureau of Labor Statistics 2023).
Conflict Index (<i>CI</i>)	Binary independent variable. <i>CI</i> = 1 if a nation in a given year is involved in an armed conflict, <i>CI</i> = 0 otherwise. Data taken from the Uppsala Conflict Data Program/Peace Research Institute Oslo (UCDP/PRIO) Armed Conflict Dataset (Uppsala University Department of Peace and Conflict Research 2021).
President’s Party (<i>PP</i>)	Binary independent variable. <i>PP</i> = 1 if the President is a Republican, <i>PP</i> = 0 otherwise. Data taken from the U.S. House of Representatives (U.S. House of Representatives 2023).
Divided Government (<i>DG</i>)	Binary independent variable. <i>DG</i> = 1 if at least one house in Congress is controlled by the opposition party (relative to the president), <i>DG</i> = 0 otherwise. Data taken from the U.S. House of Representatives (U.S. House of Representatives 2023).

Figure 8: Unrestricted Logistic Regression Equation

$$BI = \beta_0 + \beta_1 A + \beta_2 PI + \beta_3 FI + \beta_4 PTS + \beta_5 AS + \beta_6 UR + \beta_7 CI + \beta_8 PP + \beta_9 DG + \epsilon$$

After examining bill introductions of resolutions of disapproval under the AECA, I will then examine the congressional debate on floor votes relating to two of the most prominent congressional efforts to limit arms sales:

1. S.J. Res. 316, which would have blocked proposed missile sales to Saudi Arabia under the Reagan Administration in 1986.
2. S.J. Res. 36-38, which would have blocked proposed arms sales to Saudi Arabia, the United Arab Emirates, and Jordan under the Trump Administration in 2019.

In both cases, a Republican presidential administration proposed controversial sales to Saudi Arabia, a nation with very different strategic and humanitarian concerns than the United States. And in each case, both houses of Congress successfully passed a resolution of disapproval to block the respective sales, but ultimately fell short of the two-thirds majority required to overcome a presidential veto. As such, these cases are perfect examples of “near misses”, allowing us to draw conclusions about congressional motivations by examining which circumstances led Congress to get as close as they did to formally blocking a sale.

To assess the primary motivations driving individual members of Congress in debates over arms sales restrictions, I employ a simple coding mechanism based on remarks taken from floor speeches and committee hearings. Based on the prevailing literature on arms sales decision-making as a whole, in addition to work regarding the role of Congress in foreign policy discussion, I chose five variables of interest: strategic, economic, humanitarian, political, and presidential authority. If a member of Congress does not mention or imply one of the motivations listed above, I code that variable as a “0” for their remarks. If they do mention or imply a specific motivation, I code that variable as a “1” if they use that motivation in favor of blocking sales, and “-1” if they use it against blocking sales. Additionally, if they clearly identify one motivation as primarily driving their stance on the issue, I code that variable as a “2” or “-2” depending on their position. Although this framework is relatively simple, the limited variability in this model is sufficient to capture differences in motivations between individual members of Congress while still allowing for coding decisions to be easily and accurately reproduced. An example of this coding methodology can be viewed in Figure 9, shown below:

Figure 9: Coding Example

Senate floor vote on S.J. Res. 36-38, June 20, 2019.

Remarks from *Schumer, Charles E. [Sen.-D-NY]* and *McConnell, Mitch [Sen.-R-KY]*

Strategic	Economic	Political	Humanitarian	Presidential Authority
-1	0	2	1	1
<p><i>“[Saudi Arabia is] an ally. Everyone knows that.”</i></p>	<p><i>N/A</i></p>	<p><i>“With his reducing the amount of time that we can talk about and vet nominees, [Senate Minority Leader Mitch McConnell] has assiduously avoided that, turning this Chamber into a graveyard that the American people despise.”</i></p>	<p><i>“Saudi Arabia, even though it be an ally, must be held accountable for its human rights abuses in Yemen and the grotesque murder of Jamal Khashoggi.”</i></p>	<p><i>“The administration is claiming emergency power and trying to circumvent congressional review of these arms sales.”</i></p>
-2	0	-1	1	0

<p><i>“Again, just last night, Iran shot down a U.S. intelligence aircraft that was flying in international airspace. So the Senate could hardly pick a worse time for clumsy and ill-considered resolutions that would hurt key relationships in the Middle East.”</i></p>	<p><i>N/A</i></p>	<p><i>“Concerned Members might also begin giving fairer treatment and more prompt consideration to the well-qualified experts who are waiting to contribute to our diplomacy.”</i></p>	<p><i>“I think the vast majority of Senators share serious concerns over some of the policies and actions of our Saudi partners...”</i></p>	<p><i>N/A</i></p>
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Results

Since 1975, Congress has introduced over 280 concurrent and joint resolutions of disapproval under the Arms Export Control Act. As Figure 10 clearly shows, the vast majority of these resolutions are intended to block sales to a particular set of nations, including Saudi Arabia, Iran, the United Arab Emirates, Egypt, Israel, and Pakistan. At first glance, this may appear to indicate that Congress simply has a strong bent against approving arms sales to the Middle East. However, this finding ignores two vital pieces of context. First, the vast majority of U.S. arms sales are delivered to the Middle East, with 41% of sales sent to the region between 2018 and 2022. Over the same period, Saudi Arabia alone received a sizable 19% of total U.S. arms exports (Wezeman et al. 2023). As a result, it follows that nations in the Middle East would be the target of the majority of resolutions of disapproval introduced by Congress, as they take in the lion's share of U.S. arms sales in the first place. Second, Congress may be driven to attempt to block sales to the Middle East not because of their location, but because of important differences in strategic objectives and humanitarian principles. The vast majority of resolutions of disapproval are intended to block sales to nations lacking formal alliances with the U.S., with only a tiny fraction aimed at blocking sales to NATO and Major Non-NATO allies (see Figure 11). Moreover, Congress is far more likely to introduce a resolution of disapproval against a sale to a nation with serious human rights concerns. Figure 12 shows that a sizeable majority of resolutions of disapproval aim to block sales to nations rated as "Not Free" by Freedom House, and that even nations rated as "Partially Free" are more likely to be the target of a resolution of disapproval than nations rated as "Free".

Figure 10: Total Resolutions of Disapproval by Recipient Nation

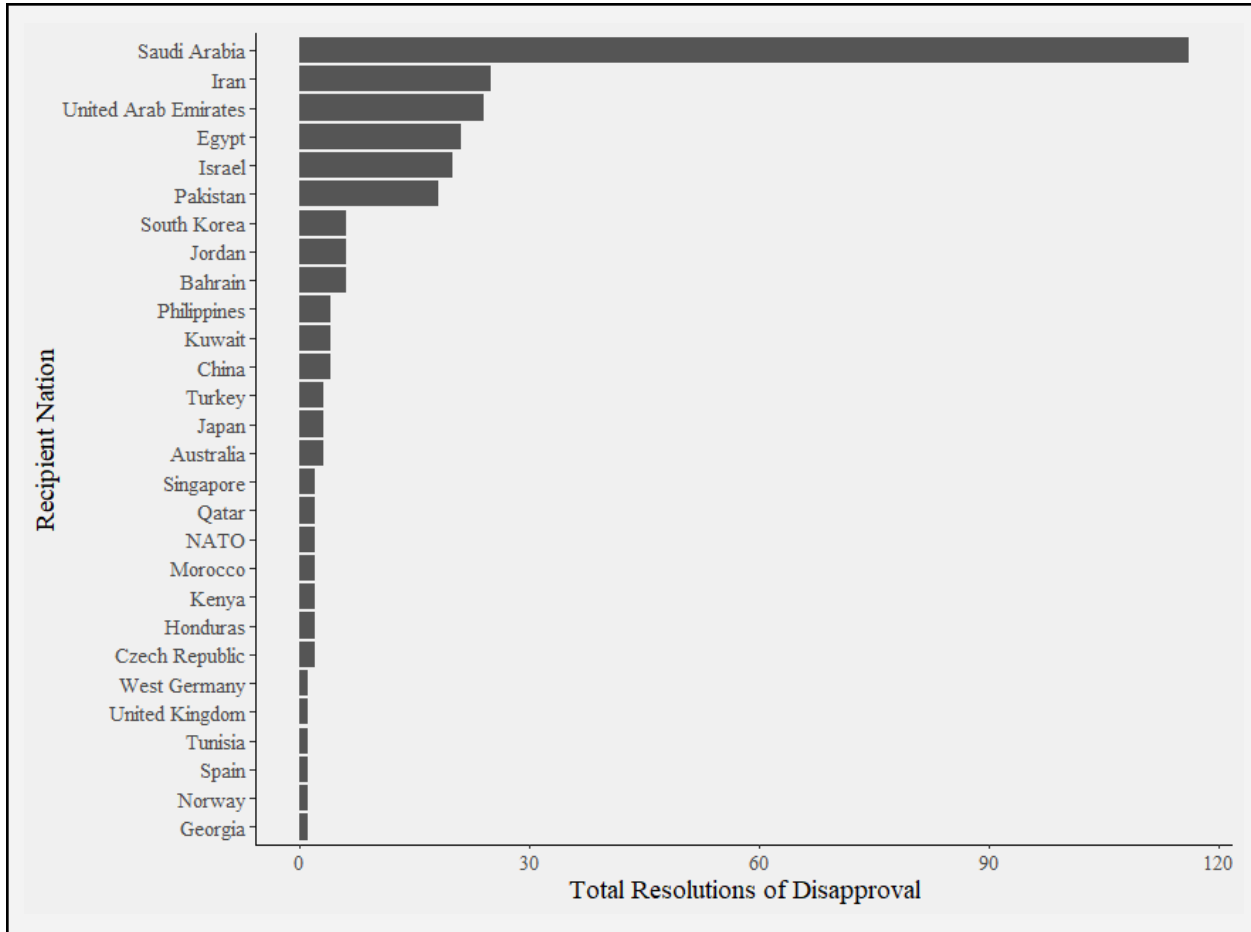


Figure 11: Total Resolutions of Disapproval by Ally Status

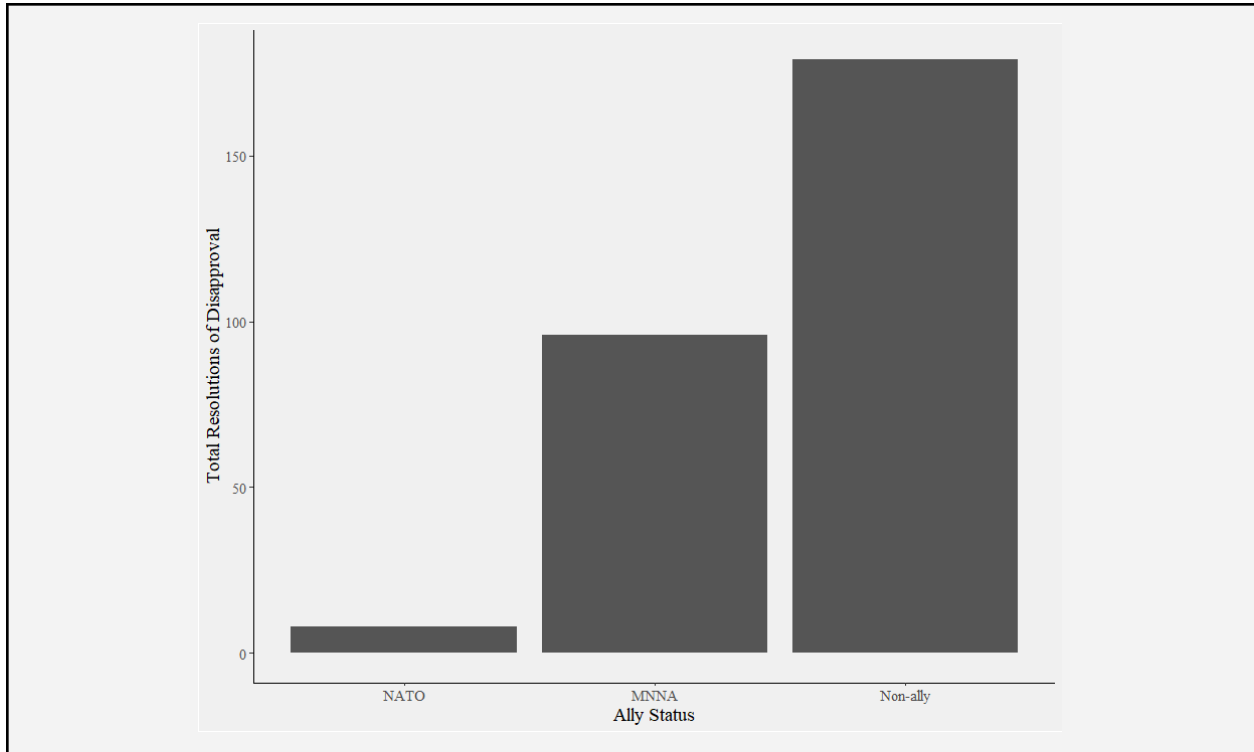
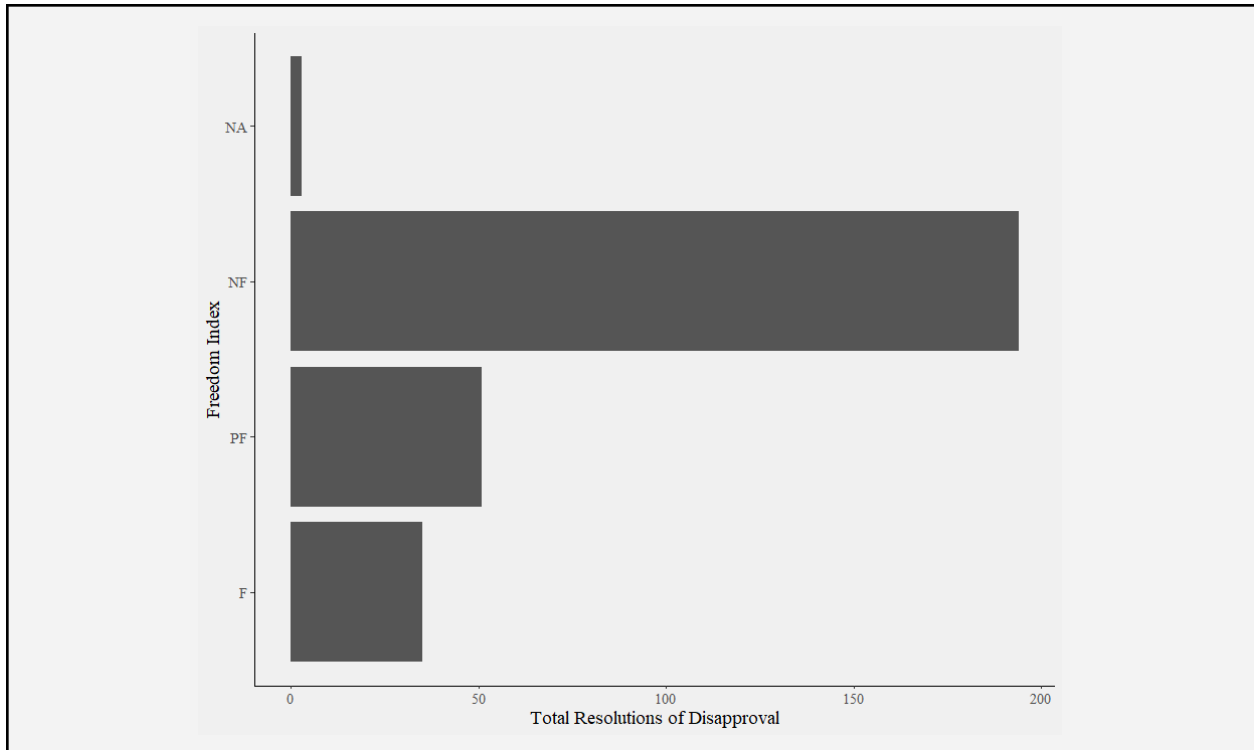


Figure 12: Total Resolutions of Disapproval by Freedom Index



These results provide strong support for the strategic and humanitarian hypotheses—Congress is more likely to introduce a resolution of disapproval on sales to non-allies than to allies, and it is far more likely to introduce a resolution of disapproval on sales to nations with serious human rights concerns. And while this initial, broad analysis failed to yield any conclusive findings regarding the hypotheses on economic motivations and political polarization, there is strong evidence to support the claim that political factors help determine congressional decision-making on arms sales. As Figure 13 shows, members of the opposition party are far more likely to introduce resolutions of disapproval than members of the President’s party. Interestingly, many more resolutions of disapproval have been introduced during Republican than Democratic presidential administrations (see Figure 14). This may partially be explained by the general consensus that Republicans are typically more hawkish than Democrats (Bendix and Jeong 2019). If Republicans are less likely to support a more restrained arms export policy in general, and partisan political dynamics influence whether or not a resolution of disapproval will be introduced, then this trend is exactly what we would expect to see. During Republican presidential administrations, opposition Democrats are politically incentivized to restrict arms sales, and ideologically more likely to do so. However, during Democratic presidential administrations, while opposition Republicans are similarly politically incentivized to restrict sales, their greater ideological support for arms sales will result in fewer resolutions being introduced than would otherwise be predicted from political motivations.

Figure 13: Total Resolutions of Disapproval by Sponsor's Party

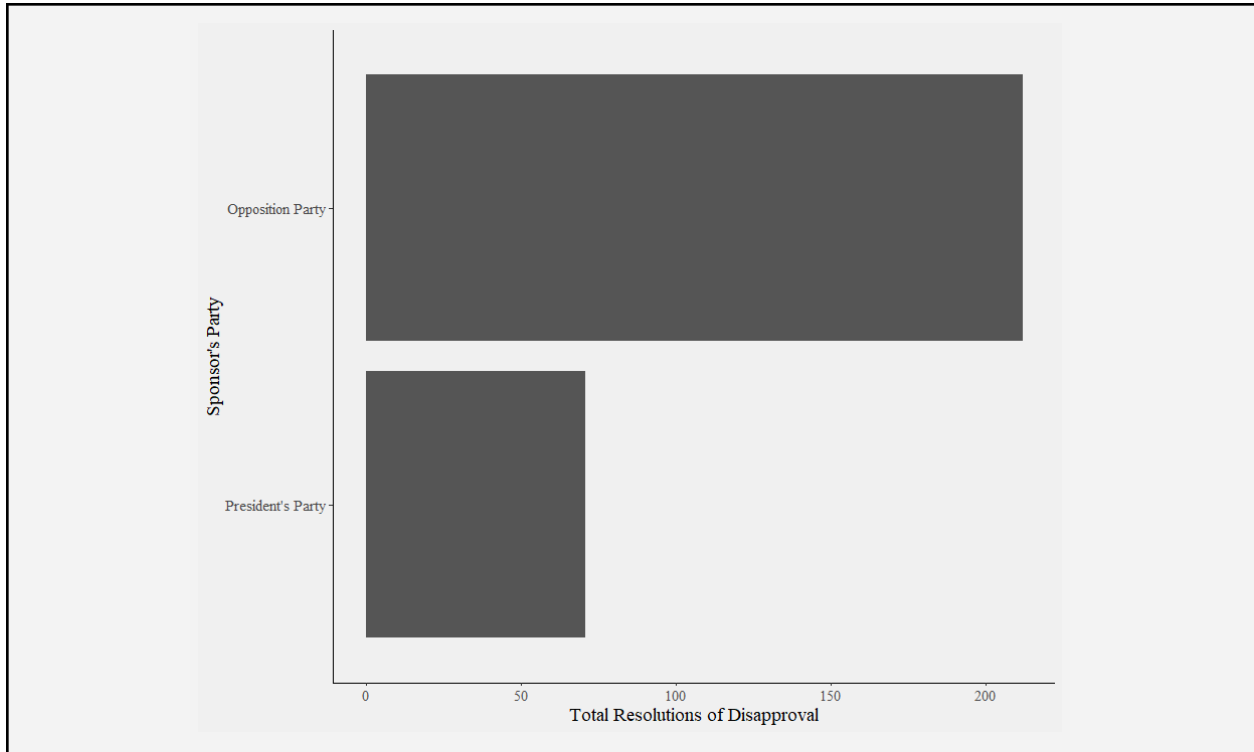
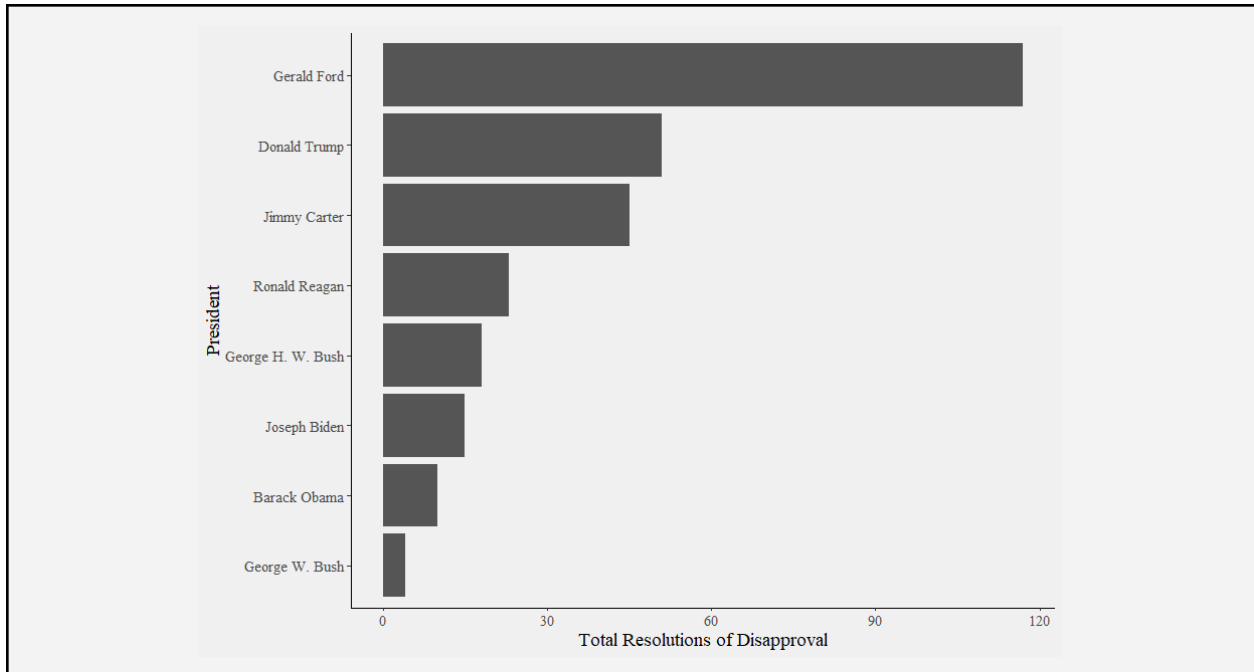


Figure 14: Total Resolutions of Disapproval by President



While this initial analysis allows us to better understand several patterns that influence the introduction of resolutions of disapproval in Congress, it does not address changes over time in the characteristics of arms sales being notified to Congress in the first place. As was mentioned earlier in this section, failing to account for the disproportionate amount of arms sales sent to the Middle East could lead to inaccurate conclusions on what motivates members of Congress to introduce resolutions of disapproval. To add to these broad findings, and to provide a more robust analysis of the various factors motivating congressional decision-making regarding arms sales, I employ a logistic regression of bill introductions of resolutions of disapproval, cross-referenced to arms sales notifications transmitted to Congress by the DSCA.

Bill Introduction Regression

Between 2004 and 2022, the executive branch has notified Congress of over 1,300 proposed major arms sales, with a total value in excess of \$986 billion (Security Assistance Monitor 2022). After filtering out Direct Commercial Sales (DCS) and cross-referencing each resolution of disapproval to its corresponding arms sale notification, I find that Congress has introduced resolutions of disapproval relating to only 41 out of 893 known proposed Foreign Military Sales (FMS) over the same period. Despite the limited sample size, this regression model yields several interesting results. First, the legislature is more likely to introduce a resolution of disapproval against more expensive sales. While we cannot directly infer what types of weapons are being proposed in these sales, Congress's reluctance to approve expensive sales may be due to heightened concerns over distributing high-tech equipment to foreign nations such as advanced fighter planes. Second, the model provides some evidence that Congress does factor in economic considerations: the legislature is less likely to introduce resolutions of approval during periods of higher unemployment. While unemployment may not be a perfect

indicator of politicians' concerns over job losses, it is somewhat intuitive that rejecting sales and their benefit to the defense industry would become increasingly politically risky during economic downturns. Third, Congress is far more likely to introduce resolutions of disapproval against sales to countries with low levels of political freedom. In fact, the odds of Congress introducing a resolution of disapproval against a sale to a country rated as "Not Free" by Freedom House are over 20 times greater than the odds of Congress introducing a resolution against a country rated as "Free". Interestingly, countries rated as a 2 on the Political Terror Scale by the State Department were significantly less likely to be the target of a resolution of disapproval—however, this may be a misleading result as only one resolution was directed at such a nation (Georgia in 2017). And finally, the political landscape has a sizable impact on Congress's willingness to introduce resolutions of disapproval. Congress is more likely to introduce resolutions of disapproval during periods of divided government than during periods of unified government, and it is far more likely to introduce resolutions of disapproval against a Republican President than a Democratic President.

Figure 15: Bill Introduction Logistic Regression Output

Introductions of Resolutions of Disapproval	
	<u>Resolution Introduced</u>
Sale Value (in billions)	0.172 ^{***} (0.042)
FIW = NF	3.218 ^{***} (0.750)
FIW = PF	1.582 [*] (0.896)
PTS = 2	-2.339 [*] (1.198)
PTS = 3	0.336 (0.683)
PTS = 4	0.412 (0.694)
PTS = 5	-16.236 (866.072)
Unemployment Rate	-0.284 ^{**} (0.125)
Republican President	1.687 ^{***} (0.527)
Divided Government	0.976 ^{**} (0.442)
Constant	-5.466 ^{***} (1.126)
N	893
Log Likelihood	-103.598
AIC	229.197

* p < .1; ** p < .05; *** p < .01

These findings give further support to the political and humanitarian hypotheses: members of the opposition party in Congress are more likely to introduce a resolution of disapproval than members of the President’s party, and Congress is more likely to introduce a resolution of disapproval on sales to nations with serious human rights concerns. Additionally,

the regression results offer some support for the economic hypothesis, as Congress is less likely to introduce a resolution of disapproval during economic downturns. And while ally status was not a significant predictor of a resolution of disapproval being introduced in the regression analysis, the fact that Congress is more likely to attempt to block more expensive (and potentially more advanced) weapons sales does imply that the legislature considers the strategic implications of a sale. Ultimately, this regression is quite limited by the fact that itemized data on arms sales notifications is only available for such a restricted period. The impact of long-term trends like the increase in political polarization may be better determined by a more in-depth analysis of specific resolutions of disapproval. As such, to attempt to address any deficiencies resulting from the above quantitative analysis, I now turn to examine two case studies: congressional efforts to block sales to Saudi Arabia in both 1986 and 2019.

S.J. Res. 316 (1986)

In 1986, the Reagan administration faced a bruising battle with the legislature over a proposed arms sale to Saudi Arabia. The Iran-Iraq War was in full swing during this period, leaving both the U.S. and its allies predominantly concerned with containing Iranian aggression and expansion in the region. As such, the executive branch had proposed the sale of 1,700 Sidewinder air-to-air missiles, 100 Harpoon air-to-sea missiles, and 200 Stinger shoulder-mounted missile launchers in order to bolster Saudi defensive forces and fend off any potential Iranian advances (Saudi Arms Sale: Senate Upholds Reagan Plan 1986). However, the administration's plan was met with widespread congressional opposition, particularly because of legislators' concerns over Saudi Arabia's actively hostile relationship with Israel. In fact, the administration had already been forced to scale down the package originally requested by the Saudis, removing F-15 fighter jets, M-1 tanks, and other equipment from the proposed sale

(Saudi Arms Sale: Senate Upholds Reagan Plan 1986). But even despite these early concessions, the sale remained incredibly controversial. Members of Congress fiercely criticized the inclusion of Stinger missiles in the sale, largely due to concerns that they could easily fall into the hands of terrorists.

On April 9, 1986, Senator Alan Cranston (D-CA) introduced S.J. Res. 316, a resolution of disapproval intended to block the Saudi arms deal in its entirety. A whopping 66 senators cosponsored the bill, including 41 Democrats and 25 Republicans—enough to overturn a presidential veto (including Senator Cranston). On the same day, Representative Mel Levine (D-CA-27) introduced H.J. Res. 589, an equivalent bill in the House with 231 cosponsors, 162 Democrats and 69 Republicans. Purely based on the number of cosponsors from both bills, the 1986 Saudi arms sale kicked off the largest congressional mobilization in favor of a resolution of disapproval to date. Despite such strong resistance, the administration chose to move forward with the sale. On May 6, 1986, the Senate took up floor debate before voting on S.J. Res. 316. 40 Senators spoke regarding the bill, with 30 in favor of blocking the sale (19 Democrats and 11 Republicans) and 10 against blocking it (all Republican). The debate largely hinged around Saudi Arabia’s trustworthiness as an ally and recipient of arms—in fact, after coding congressional motivations in floor speeches relating to the initial vote on S.J. Res. 316, nearly every single Senator stated or implied strategic factors as primarily determining their decision-making on the issue (see Figure 16).

Figure 16: Congressional Motivations in Initial Senate Floor Debate on S.J. Res. 316¹¹

Speaker	Party	Position	Strategic	Economic	Political	Humanitarian	Presidential Authority
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¹¹ Figure 16 displays coded floor speeches on the initial Senate vote on S.J. Res. 316, listed in alphabetical order and taken from the Congressional Record on May 6, 1986 (Congress 1986). A position of “1” indicates that a member of Congress spoke in favor of the resolution of disapproval, while a position of “0” indicates that they spoke against it. The methodology for the remaining variables is as described previously in the paper.

Al D'Amato	R	1	2	0	0	1	0
Alan Cranston	D	1	2	0	0	1	0
Alan Dixon	D	1	2	0	0	1	0
Alan Simpson	R	0	-2	-1	0	0	0
Arlen Specter	R	1	2	0	0	0	0
Barry Goldwater	R	0	-2	0	0	0	-1
Bob Kasten	R	1	2	0	0	0	1
Bob Packwood	R	1	2	0	0	0	0
Carl Levin	D	1	2	0	0	0	0
Charles Mathias	R	0	-2	0	0	0	0
Christopher Dodd	D	1	2	0	1	1	0
Clariborne Pell	D	1	2	0	0	0	0
Daniel Evans	R	0	-2	-1	0	0	-1
Daniel Moynihan	D	1	2	0	0	0	0
David Durenberger	R	1	2	0	0	0	0
Dennis DeConcini	D	1	2	0	0	1	0
Donald Riegle	D	1	2	0	0	1	0
Edward Kennedy	D	1	2	0	0	1	0
Frank Lautenberg	D	1	2	0	0	1	0
Gary Hart	D	1	2	0	0	0	0
Howard Metzenbaum	D	1	2	0	0	2	0
Jeff Bingaman	D	1	2	0	0	2	0
Jeremiah Denton	R	0	-2	0	0	0	-1
Jesse Helms	R	1	2	0	0	0	0
Jim Sasser	D	1	2	0	0	0	0
John Chafee	R	0	-2	-1	0	0	0
John Glenn	D	1	2	0	0	0	0
John Kerry	D	1	2	0	1	0	0

Joseph Biden	D	1	2	0	0	0	0
Mark Hatfield	R	1	0	0	0	2	0
Mitch McConnell	R	0	-2	0	0	0	0
Patrick Leahy	D	1	2	0	0	0	0
Paul Trible	R	1	2	0	0	0	0
Paula Hawkins	R	1	2	0	0	0	0
Richard Lugar	R	0	-2	-1	-1	0	0
Robert Byrd	D	1	2	0	0	0	0
Robert Dole	R	0	-2	0	0	0	-2
Rudy Boschwitz	R	1	2	0	0	1	0
Strom Thurmond	R	0	-2	-1	0	0	0
Warren Rudman	R	1	2	0	0	1	0

Those in favor of blocking the sale pointed at Saudi Arabia’s shoddy track record of actually supporting U.S. strategic interests in the Middle East. Senator Cranston and his allies blasted the nation for opposing the Camp David peace accords between Israel and Egypt, funding the Palestinian Liberation Organization, and condemning the U.S. for executing a retaliatory strike against Libya.¹² Additionally, 17 of the 30 senators who favored blocking the sale raised humanitarian concerns, mainly over the included Stinger missiles. Senator Metzenbaum (D-OH) argued that “Stingers are so portable that one or two could easily be diverted for terrorist use,” and Senator Cranston labeled them as “the terrorist’s delight” (Congress 1986). Those opposed to blocking the sale argued that it would hamper the U.S.’s efforts to promote peace in the region, with Senator Lugar (R-IN) stating that the sale was

¹² On April 5, 1986, a discotheque in West Berlin often frequented by U.S. soldiers was bombed, killing three people and injuring 229 (two of the dead and 79 of the injured were Americans). The Reagan administration accused the Libyan government of sponsoring the bombing, and carried out air strikes against the nation ten days later (Libya bombings of 1986 2023).

“important if we are to have any credibility as a player in the Middle East” (Congress 1986). Five of the ten senators who spoke against blocking the sale mentioned its economic impact, with Senator Lugar bluntly stating that “Senators who vote for this motion of disapproval are voting against jobs” (Congress 1986). Four of the ten senators in the opposition stated their reluctance to counter the President’s authority on foreign policy matters, with Senator Evans (R-WA) arguing that it was “time to quit second-guessing the President and the Secretary of State” (Congress 1986).

The debate over H.J. Res. 589 in the House went along remarkably similar lines—46 representatives spoke, with 35 in favor of blocking the sale (25 Democrats and 10 Republicans) and 11 against blocking it (5 Democrats and 6 Republicans). Strategic concerns once again dominated the debate, and 17 of the 35 representatives who favored blocking the sale at least mentioned humanitarian concerns such as the risk of introducing more Stinger missiles to the region. Four of the eleven representatives who opposed blocking the sale mentioned economic concerns, while only one expressed reluctance to counter the President’s authority on foreign policy matters. I will refrain from restating almost identical quotes from the House session, as the arguments employed were so similar to those in the initial Senate vote. However, I will point out one surprising factor: in both houses, members largely refrained from making overtly political attacks against the opposition party. In fact, across both houses, only six floor speeches were coded as displaying overtly political language, such as Representative Lent’s (R-NY) accusation that the Reagan Administration “[intended] to jeopardize the fragile stability which exists in the Middle East”¹³ (Congress 1986).

¹³ Note that Representative Lent was attacking a member of his own party here—the only member of Congress to do so in this examination.

Figure 17: Congressional Motivations in Initial House Floor Debate on H.J. Res. 589¹⁴

Speaker	Party	Position	Strategic	Economic	Political	Humanitarian	Presidential Authority
Albert Bustamante	D	1	2	0	0	0	0
Barbara Boxer	D	1	2	0	0	1	0
Barbara Mikulski	D	1	2	0	0	0	0
Barney Frank	D	1	2	0	0	1	0
Benjamin Gilman	R	1	2	0	0	0	0
Bill Boner	D	1	2	0	0	0	0
Bill Richardson	D	1	2	0	0	0	0
Bob Dornan	R	1	-1	0	0	2	0
Dante Fascell	D	1	2	0	0	0	0
Dave Obey	D	1	-1	0	2	0	0
David Bonior	D	0	-2	0	0	1	0
Dick Durbin	D	1	0	0	0	2	0
Don Edwards	D	1	2	0	0	0	0
Ed Feighan	D	1	2	0	0	1	0
Ed Zschau	R	0	-1	0	0	0	-2
Gerald Solomon	R	0	-2	0	0	0	0
Gerry Studds	D	0	-2	0	1	0	0
Hal Daub	R	1	2	0	0	0	0
Henry Hyde	R	0	-2	0	0	0	0
Howard Nielson	R	0	-2	-1	0	0	0
Howard Wolpe	D	1	2	0	0	0	0
Jack Kemp	R	1	2	0	0	0	0
James Florio	D	1	2	0	0	2	0

¹⁴ Figure 17 displays coded floor speeches on the House vote on H.J. Res. 589, listed in alphabetical order and taken from the Congressional Record on May 7, 1986 (Congress 1986). A position of “1” indicates that a member of Congress spoke in favor of the resolution of disapproval, while a position of “0” indicates that they spoke against it. The methodology for the remaining variables is as described previously in the paper.

James Jones	D	1	2	0	0	0	0
James Scheuer	D	1	2	0	0	1	0
James Traficant	D	1	2	0	0	1	0
John Miller	R	1	2	0	0	1	0
John Seiberling	D	0	-1	0	0	2	0
Lawrence Coughlin	R	1	2	0	0	0	0
Lawrence Smith	D	1	2	0	0	1	0
Lee Hamilton	D	0	-2	-1	0	0	0
Les AuCoin	D	1	2	0	0	1	0
Major Owens	D	1	-1	0	0	2	0
Mario Biaggi	D	1	2	0	0	1	0
Mary Rose Oakar	D	1	2	0	0	0	0
Mel Levine	D	1	2	0	0	1	0
Nick Rahall	D	0	-2	-1	0	0	0
Norman Lent	R	1	2	0	1	0	0
Raymond McGrath	R	1	2	0	0	0	0
Robert Lagomarsino	R	0	-2	-1	0	0	0

Ultimately, despite a long and contentious debate, both houses approved their respective resolutions with sweeping majorities. The Senate approved S.J. Res. 316 by a 73-22 vote, with 29 Republicans crossing party lines to vote against the President, with all but two Democrats in the Senate voting for the resolution as well (Saudi Arms Sale: Senate Upholds Reagan Plan 1986). The next day, the House approved its companion bill, H.J. Res. 589, by a 356-62 vote. Both resolutions passed well over the two-thirds requirement necessary to overcome a presidential veto, indicating that Reagan would have to either back down or cut a deal in order to have any chance of moving forward with the sale. On May 21, Reagan vetoed the resolution of

disapproval, arguing that withholding arms from Saudi Arabia would damage America's strategic interests in the Middle East and "send the worst possible message as to America's dependability and courage" (Saudi Arms Sale: Senate Upholds Reagan Plan 1986).

With a vote on the package scheduled for June, the White House began aggressively courting individual members of Congress to try and gain the necessary votes to sustain the veto. President Reagan lobbied to convince a few Senators who had voted for the resolution to switch their positions, arguing that "[the President's] ability to conduct the nation's foreign policy was at stake" (Saudi Arms Sale: Senate Upholds Reagan Plan 1986). Momentum began to shift in favor of the White House after it agreed to remove the controversial Stinger missiles from the sale. On June 5, the Senate geared up to vote on the administration's veto, with the ultimate fate of the sale hanging in the balance. Figure 18 displays the floor speeches given in this final debate, which displayed several warning signs that the Senate may have lost essential votes to reach a two-thirds majority. 40 Senators spoke on the resolution, with 26 in favor of blocking the sale (17 Democrats and 9 Republicans) and 14 against blocking it (one Democrat and 13 Republicans). Strategic concerns dominated the issue once again, with economic and humanitarian concerns both mentioned with less frequency than in previous congressional debates. Seven of the 14 Senators who opposed the resolution mentioned a reluctance to question the President's authority on foreign policy matters, a notable increase from the previous Senate debate. In fact, several Senators who had originally voted in favor of blocking the sale stated affirming the President's objectives as a reason for switching positions, such as Senator Exon (D-NE), who argued that the vote was a "considerably different proposition" with the President "laying his national and international prestige on the line" (Congress 1986).

Figure 18: Congressional Motivations in Final Senate Floor Debate on S.J. Res. 316¹⁵

Speaker	Party	Position	Strategic	Economic	Political	Humanitarian	Presidential Authority
Al D'Amato	R	1	2	0	0	1	0
Alan Cranston	D	1	2	0	0	2	0
Alan Dixon	D	1	2	0	0	1	0
Alan Simpson	R	0	-2	0	0	0	0
Arlen Specter	R	1	2	0	0	0	0
Barry Goldwater	R	0	0	0	0	0	-2
Bob Kasten	R	1	2	0	0	0	0
Bob Packwood	R	1	2	0	0	0	0
Charles Mathias	R	0	-2	0	0	0	0
Chic Hecht	R	0	-1	0	0	0	-2
Christopher Dodd	D	1	2	0	0	0	0
Clariborne Pell	D	1	2	0	0	0	0
Daniel Evans	R	0	-2	0	0	0	0
Dennis DeConcini	D	1	2	0	0	1	0
Donald Riegle	D	1	2	0	0	0	0
Edward Kennedy	D	1	2	0	1	1	0
Frank Lautenberg	D	1	2	0	0	0	0
Frank Murkowski	R	1	2	0	0	1	-1
Gary Hart	D	1	2	0	0	0	0
Howard Metzenbaum	D	1	2	0	0	0	0
J. Bennett Johnston	D	1	2	0	0	0	0
J. James Exon	D	0	0	0	0	0	-2

¹⁵ Figure 18 displays coded floor speeches on the Senate vote to overturn or sustain the Reagan administration's veto of S.J. Res. 316, listed in alphabetical order and taken from the Congressional Record on June 5, 1986 (Congress 1986). A position of "1" indicates that a member of Congress spoke in favor of the resolution of disapproval, while a position of "0" indicates that they spoke against it. The methodology for the remaining variables is as described previously in the paper.

John Chafee	R	0	-2	0	0	0	0
John Glenn	D	1	2	0	0	2	0
John Kerry	D	1	2	0	0	0	0
Joseph Biden	D	1	2	0	0	0	0
Mack Mattingly	R	1	2	0	0	0	0
Mark Hatfield	R	1	2	0	0	0	-1
Mitch McConnell	R	0	-2	0	0	0	-1
Nancy Kassebaum	R	0	-2	0	0	0	0
Paul Sarbanes	D	1	2	0	0	0	0
Paul Simon	D	1	2	0	0	0	0
Paula Hawkins	R	1	2	0	0	0	0
Pete Domenici	R	0	1	0	0	1	-2
Richard Lugar	R	0	-2	-1	-1	0	-1
Robert Byrd	D	1	2	0	0	0	0
Robert Dole	R	0	-1	0	0	0	-2
Rudy Boschwitz	R	1	2	0	0	0	0

Once the debate ended, the Senate voted 66-34 to sustain the administration's veto, falling just one vote short of the two-thirds majority required to block the sale. The executive branch had succeeded in pushing through the Saudi arms package, albeit with the absolute smallest margin of error possible. Nevertheless, it would be misleading to characterize this battle as a complete failure for Congress. The legislature did effectively constrain the President in a number of ways, as Senator Cranston articulated before the final vote: "We have cut the package by more than 90 percent of its dollar value. We have forced the administration to drop the Stingers. We have received a pledge that the administration will not request any new sales of weapons for the Saudis this year" (Congress 1986). Republican Senator Alfonse D'Amato, who

voted against the sale, observed that the President “had to go all out and way out” in order to save the deal (Saudi Arms Sale: Senate Upholds Reagan Plan 1986). While S.J. Res. 316 never became law, it still played a significant role in determining the final makeup of the Saudi arms package. As such, it should be viewed as at least a partial success for Congress attempting to block an arms sale proposed by the President.

S.J. Res. 36-38 (2019)

In 2019, the Trump Administration applied a rarely-used section of the AECA and declared an emergency that allowed it to approve a massive arms deal with Saudi Arabia, Jordan, and the United Arab Emirates (UAE), bypassing the congressional review period (Zengerle 2019). The emergency provision of the AECA was intended to allow arms sales to proceed immediately when a genuine military emergency exists. It requires the President to submit to Congress a “detailed justification [and] description of the emergency circumstances,” and has only been used a handful of times since the AECA was originally passed (Kerr 2020). For example, immediately following the Iraqi invasion of Kuwait in 1990, President George H.W. Bush declared an emergency and authorized the sale of 150 M60A3 tanks and 24 F-15C/D aircraft to Saudi Arabia (Sharp et al. 2019). In the Trump Administration’s emergency justification to Congress, Secretary of State Mike Pompeo drew attention to recent Iranian aggression, arguing that “Iranian malign activity poses a fundamental threat to the stability of the Middle East and to American security at home and abroad” (Zengerle 2019). The declaration came at a time of particularly tense relations between the U.S. and Iran—just a few days before the arms package was announced, Iranian-allied Houthi rebels in Yemen had “attacked a Saudi airport and military base with a bomb-laden drone” (Gambrell 2019).

Nevertheless, this decision prompted outrage in the legislature, with several members of Congress contending that the administration was blatantly attempting to skirt congressional oversight. The sale itself was controversial already, due largely to widespread humanitarian concerns over the huge civilian casualties resulting from Saudi Arabia's air campaign in Yemen, in addition to the Saudi government's murder of journalist Jamal Khashoggi (Edmondson 2019). Democratic Senator Chris Murphy blasted the administration's actions, stating that "President Trump is only using this loophole because he knows Congress would disapprove... There is no new 'emergency' reason to sell bombs to the Saudis to drop in Yemen, and doing so only perpetuates the humanitarian crisis there" (Zengerle 2019). Even some Republicans in the legislature criticized the President's decision, with Representative Mike McCaul acknowledging that he "would have strongly preferred for the administration to utilize the long-established and codified arms sale review process" (Zengerle 2019).

This discontent resulted in a massive congressional effort to block the Saudi arms package. On June 5, 2019, Senator Robert Menendez (D-NJ) introduced 22 separate resolutions of disapproval aimed at blocking each license agreement included in the proposed deal (Plagakis 2022). However, in a marked contrast to Congress's response to the 1986 sale to Saudi Arabia, each of the resolutions had but 7 cosponsors—3 Democrats and 4 Republicans. Only three of the 22 resolutions wound up receiving a floor vote in both chambers: S.J. Res. 36, S.J. Res. 37, and S.J. Res. 38, which targeted controversial precision-guided munitions that would be sent to Saudi Arabia and the UAE (Kessler 2019). Somewhat surprisingly, the floor debate over these resolutions was far more limited than the 1986 effort. In fact, when the Senate debated the three resolutions before voting on them on June 20, 2019, only seven Senators spoke—four in favor of

blocking the proposed sale (two Democrats and two Republicans) and three against it (all Republican).

Despite the limited sample size, the coding of their speeches reveals two notable differences from the 1986 debates. First, while nearly every member at least mentioned strategic concerns, those in favor of blocking the sale increasingly viewed them as a caveat to their position instead of an argument to support it (see Figure 19). For example, Senator Lindsey Graham (R-SC), one of two Republicans to speak in favor of blocking the sale, conceded that “Saudi Arabia has been a partner. They will have to be a partner in the future” (Congress 2019). Only Senator Rand Paul (R-KY), the other Republican in favor of blocking the sale, went so far as to question Saudi Arabia’s stance as an ally, labeling it as a “malign influence” in the region. Second, humanitarian concerns were far more prevalent among those in favor of blocking the sale than they were in the 1986 effort. In fact, every Senator who spoke in favor of blocking the sale stated or implied humanitarian concerns as primarily driving their position (see Figure 19). Senator Chuck Schumer (D-NY) summed up the overall argument for passing the resolutions of disapproval: “Saudi Arabia, even though it be an ally, must be held accountable for its human rights abuses in Yemen and the grotesque murder of Jamal Khashoggi” (Congress 2019). Those opposed to the sale argued for their position almost entirely along strategic concerns, pointing to recent Houthi attacks on Saudi Arabia and the looming threat of Iran. According to Senator Mitch McConnell (R-KY), “the Senate could hardly pick a worse time for clumsy and ill-considered resolutions that would hurt key relationships in the Middle East” (Congress 2019).

Figure 19: Congressional Motivations in Initial Senate Floor Debate on S.J. Res. 36-38¹⁶

¹⁶ Figure 19 displays coded floor speeches on the initial Senate vote on S.J. Res. 36-38, listed in alphabetical order and taken from the Congressional Record on June 20, 2019 (Congress 2019). A position of “1” indicates that a member of Congress spoke in favor of the resolution of disapproval, while a position of “0” indicates that they spoke against it. The methodology for the remaining variables is as described previously in the paper.

Speaker	Party	Position	Strategic	Economic	Political	Humanitarian	Presidential Authority
Charles Schumer	D	1	-1	0	1	2	1
James Risch	R	0	-2	0	0	-1	0
Lindsey Graham	R	1	-1	0	0	2	0
Mitch McConnell	R	0	-2	0	-1	1	0
Rand Paul	R	1	1	0	0	2	0
Robert Menendez	D	1	0	0	0	2	2
Tom Cotton	R	0	-2	-1	-1	0	0

Despite the limited number of floor speeches, the Senate voted to pass all 22 resolutions of disapproval introduced by Senator Menendez. 53 Senators voted in favor of passing S.J. Res. 36 and S.J. Res. 38, including every voting Democrat, yet only six Republicans who crossed party lines to join them (S.J.Res.36 - 116th Congress 2019; S.J.Res.38 - 116th Congress 2019). 51 Senators voted in favor of passing S.J. Res. 37, again including every Democrat but only four Republicans (S.J.Res.37 - 116th Congress 2019). Notably, all three votes fell well short of the two-thirds majority that would be required to block a presidential veto. On July 17, the House debated each of the three resolutions, with only 6 representatives making speeches on the floor related to the proposed sale (see Figure 20). Three representatives spoke in favor of blocking the sale (all Democrats), while three representatives spoke against blocking it (all Republicans). The debate in the House followed a similar structure to the previous debate in the Senate. Those in favor of blocking the sale argued that the humanitarian risks involved outweighed the strategic need to strengthen Saudi Arabia against the threat of Iran, while those against blocking it argued the exact opposite. Several representatives in favor of blocking the sale also spoke to the need to prevent the administration from disregarding Congress's role in the arms approval process, with

Representative Elliot Engel (D-NY) stating that “with these resolutions, we are taking some of that power back. We are saying that we won’t allow the laws written in this body to be ignored” (Congress 2019).

Figure 20: Congressional Motivations in Initial House Floor Debate on S.J. Res. 36-38¹⁷

Speaker	Party	Position	Strategic	Economic	Political	Humanitarian	Presidential Authority
Abigail Spanberger	D	1	0	0	0	2	1
Adam Kinzinger	R	0	-2	0	0	-1	0
Brian Mast	R	0	-2	0	-1	1	0
Carol Miller	R	0	-2	0	0	0	0
David Cicilline	D	1	0	0	0	2	2
Elliot Engel	D	1	-1	1	1	2	2

The House voted 238-190 in favor of passing S.J. Res. 36 and S.J. Res. 37, and 237-190 in favor of passing S.J. Res. 38. In all three cases, every voting Democrat supported the resolutions, and only four Republicans broke party lines to join them. On July 24, President Trump vetoed all three resolutions, arguing that the “misguided licensing prohibitions in the joint resolution directly conflict with the foreign policy and national security objectives of the United States” (Demirjian and Itkowitz 2019). At this point, the battle over the 2019 arms package to Saudi Arabia was on paper quite similar to the battle fought in 1986. In both cases, a Republican President had faced congressional outrage after proposing a controversial weapons sale to Saudi Arabia with serious humanitarian risks involved. Arguably, human rights concerns were even more salient in 2019—instead of merely fearing that weapons sent to Saudi Arabia could wind

¹⁷ Figure 20 displays coded floor speeches on the initial House vote on S.J. Res. 36-38, listed in alphabetical order and taken from the Congressional Record on July 17, 2019 (Congress 2019). A position of “1” indicates that a member of Congress spoke in favor of the resolution of disapproval, while a position of “0” indicates that they spoke against it. The methodology for the remaining variables is as described previously in the paper.

up in the wrong hands, members of Congress feared that the Saudi government itself would use U.S. arms to further its humanitarian abuses in Yemen. Moreover, the Trump administration's lackluster justification for skirting congressional authority with an emergency authorization forced Congress to defend its role in the arms sale approval process. Under these circumstances, it would seem reasonable to expect legislative efforts to block the 2019 sale to result in at least some form of presidential concession, just as they did in 1986.

However, when the Senate debated whether or not to override President Trump's vetoes on July 29, only two Senators spoke, and none of the three votes came anywhere close to achieving the needed two-thirds majority (Kessler 2019). The vote failed almost entirely along party lines: whereas in 1986, twenty-five Republican senators crossed party lines to override President Reagan's veto, in 2019 only five Republicans broke with the Trump Administration (Lewis et al. 2023). Despite the arguably stronger political and humanitarian motivations Congress had to block these sales, the legislature was simply unable to overcome partisan divisions in order to mount a unified front against the executive branch. Moreover, with such a wide margin of victory, President Trump was not forced to bargain with the legislature, allowing the administration's proposed sales to go through with practically no concessions at all.

Figure 21: Congressional Motivations in Final Senate Floor Debate on S.J. Res. 36-38¹⁸

Speaker	Party	Position	Strategic	Economic	Political	Humanitarian	Presidential Authority
James Risch	R	0	-2	0	0	1	0
Robert Menendez	D	1	-1	1	1	2	2

¹⁸ Figure 21 displays coded floor speeches on the Senate vote to overturn or sustain President Trump's veto of S.J. Res. 36-38, listed in alphabetical order and taken from the Congressional Record on July 17, 2019 (Congress 2019). A position of "1" indicates that a member of Congress spoke in favor of the resolution of disapproval, while a position of "0" indicates that they spoke against it. The methodology for the remaining variables is as described previously in the paper.

The fact that the arms sales in 1986 and 2019 shared a similar strategic and political context makes it possible to identify the impact of political polarization on congressional decision-making regarding arms sales. Figures 22 and 23 display senators' political ideology and voting position on the final votes to overturn or sustain presidential vetoes of both S.J. Res. 316 and S.J. Res. 38.¹⁹ They provide a striking visualization of how increased polarization has impacted Congress's ability to restrict arms sales. In 1986, only 77% of the outcome of the final vote on S.J. Res. 316 could be predicted by partisan ideology, yet in 2019 a striking 95% of the vote was correctly classified based on ideological stance alone. This is a troubling trend—while the analysis of floor speeches clearly suggests that humanitarian concerns were more salient in the 2019 case, the legislature was far less effective in influencing any real change in the end result of the sale. This analysis of case studies was originally intended to determine under which circumstances we would expect a resolution of disapproval to become law. However, given such strong congressional incentives to block the 2019 sale, the debilitating impact of political polarization on the legislative efforts to do so may indicate that Congress is now unable to provide any real constraint on the executive branch in determining U.S. arms export policy.

¹⁹ Figures for S.J. Res. 36 and S.J. Res. 37 were not included due to redundancy—all three decisions fell within a margin of one or two votes.

Figure 22: Partisan Breakdown of Senate Floor Vote on S.J. Res. 316 (1986)²⁰

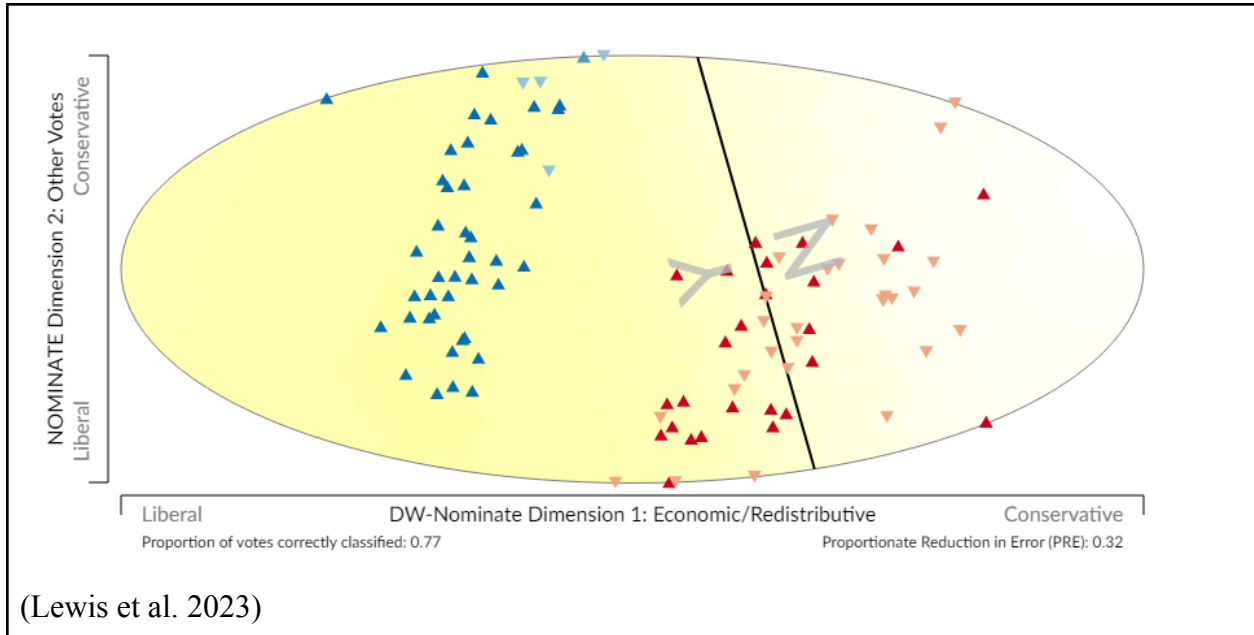
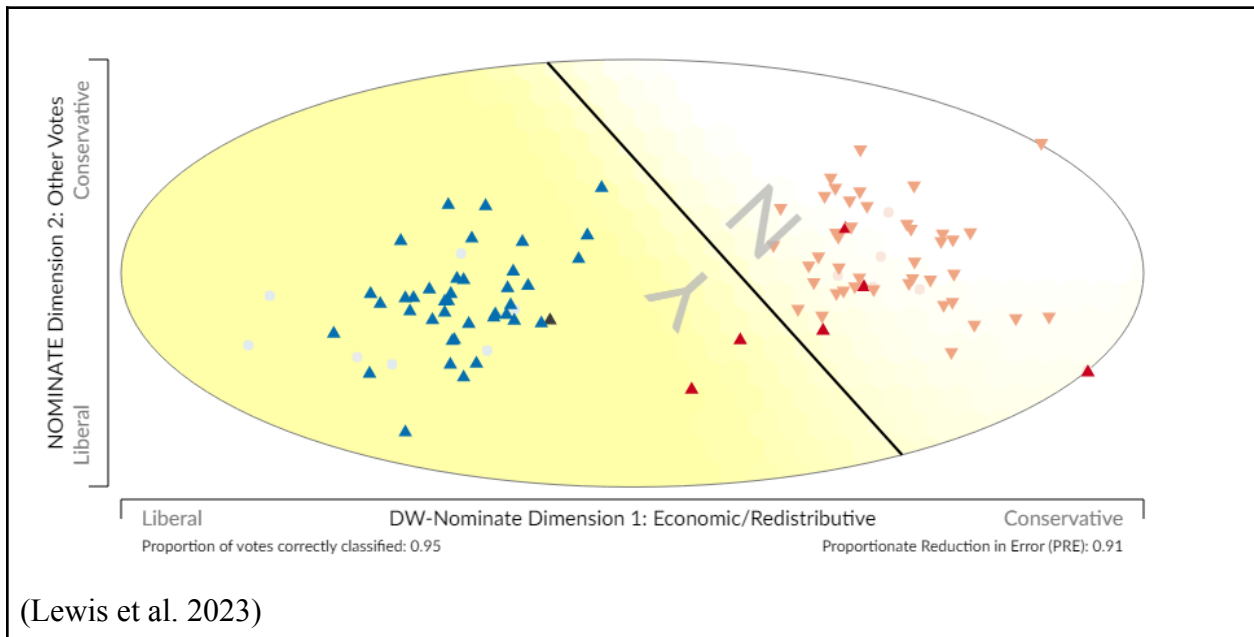


Figure 23: Partisan Breakdown of the Final Senate Floor Vote on S.J. Res. 38 (2019)²¹



²⁰ This figure, constructed with data from UCLA’s VoteView project, maps each individual Senator’s ideological position using DW-Nominate scores in the Senate vote to overturn President Reagan’s veto of S.J. Res. 316 on June 5, 1986. The ‘yes/no’ line in the center of the figure depicts a prediction of the resulting vote based entirely on ideological stances.

²¹ This figure maps each individual Senator’s ideological position using DW-Nominate scores in the Senate vote to overturn President Trump’s veto of S.J. Res. 38 on July 29, 2019.

Conclusion

Though the role of Congress in the arms sale approval process is often overlooked, it is undoubtedly a component of U.S. foreign policy worth paying attention to. Weapons transfers have the potential to lead to disastrous humanitarian consequences, making Congress's responsibility to ensure proper oversight of arms sale decision-making vitally important. In analyzing bill introductions relating to resolutions of disapproval under the AECA, I have found substantial evidence that strategic, economic, political, and humanitarian factors all influence congressional responses. In particular, Congress is more likely to attempt to restrict sales to nations that are not formal U.S. allies, less likely to attempt to restrict sales during periods of high unemployment, more likely to attempt to restrict sales to nations with low levels of political freedom and high levels of political terror, and more likely to restrict sales during periods of divided government and during Republican presidential administrations.

An analysis of efforts to block controversial arms sales to Saudi Arabia during the Reagan Administration in 1986 and the Trump Administration in 2019 reveals that while strategic concerns have historically dominated much of the debate around arms sales, members of Congress have increasingly considered the humanitarian risks involved when considering a particular sale. In 1986, those in favor of blocking the sale spoke mostly about Saudi Arabia's dealings with U.S. adversaries and poor relations with Israel, while in 2019 concerned members pointed to Saudi Arabia's intentional targeting of civilians in Yemen. Those against blocking sales have remained fairly consistent in their logic, arguing for the need to contain the threat of Iran and maintain good relationships with "moderate" nations in the Middle East. But while Congress has been able to force presidential administrations to cut back proposed transfers in the past, the rapid increase in political polarization has dramatically reduced Congress's ability to do

so. As a result, it appears unlikely that the legislature will be able to constrain even the most risky sales proposed by the executive branch in the future.

In today's strikingly polarized climate, requiring a two-thirds majority for Congress to block a proposed sale is simply no longer a reasonable threshold for the legislature to meet. As the example of the Saudi arms deal in 2019 displays, even with severe humanitarian risks and egregious presidential overreach, partisan divisions have made Congress virtually ineffective in constraining arms sales. This trend poses serious risks, as an unconstrained President now faces little opposition in approving transfers that may be used to strengthen oppressive regimes or commit grave human rights violations. The above analyses clearly depict a broad congressional desire to account for humanitarian risks in weighing decisions regarding arms sales. Therefore, in order to safeguard American interests and maintain a system of checks and balances in U.S. arms export decision-making, we must ask: What can be done to reaffirm the role of Congress in the arms sale approval process?

Numerous pieces of legislation have been introduced in recent years to make it more difficult for the executive branch to evade congressional concerns over risky arms sales. In July 2021, Senators Chris Murphy, Mike Lee, and Bernie Sanders introduced the National Security Powers Act, which would amend the AECA to require an affirmative congressional vote in order to approve arms sales above a certain threshold (Murphy, Lee, Sanders Introduce Sweeping, Bipartisan Legislation to Overhaul Congress's Role in National Security 2021). In April 2022, Representative Sara Jacobs introduced the Values in Arms Export Act, which would allow Congress to designate nations that have repeatedly violated human rights as "countries of concern," and ban them from receiving arms sales if they fail to make progress in enacting reforms (Jacobs Introduces Legislation to Prevent U.S. Weapons from Being Used to Commit

Human Rights Abuses 2022). And in March 2023, Representative Ilhan Omar introduced the Stop Arming Human Rights Abusers Act (SAHRAA), which would establish an independent commission able to prohibit security aid to nations based on “internationally recognized gross violations of international human rights” (Rep. Omar Introduces the Stop Arming Human Rights Abusers Act 2023). Given how contentious the issue of arms sales is in today’s political climate, it appears unlikely that Congress will be able to significantly restrict the President’s authority in determining arms export policy. Nevertheless, if enacted, these bills would go a long way toward reestablishing Congress as a key player in the arms sale approval process. In particular, Representative Omar’s proposal or one like it may provide the legislature with a means to introduce greater oversight over arms exports while side-stepping the debilitating impact of polarization on Congress’s ability to regulate foreign affairs through direct floor voting. Just as when it originally passed the AECA, the legislature has banded together despite partisanship to stand up for human rights and constrain the President in the past—only time will tell if Congress can do so once again.

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