

The Face-Off Over Gulf Arms Sales: ‘Emergency’ or False Alarm?

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Jun 10, 2019

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Brief Analysis

As Congress questions whether certain arms sales merit emergency treatment, the White House may have opened a Pandora’s box of long-term consequences for legislative oversight, Gulf relations, and defense profits.

On June 5, a bipartisan group of senators announced twenty-two separate joint resolutions of disapproval aimed at blocking various U.S. arms sales to Saudi Arabia and the United Arab Emirates. This unusual move came in response to the Trump administration’s May 24 use of the emergency exception granted under the 1976 Arms Export Control Act (AECA), which governs how the United States sells weapons to foreign governments. By declaring this “emergency” and forgoing the required fifteen- or thirty-day congressional review period, the administration created a path to move forward with an estimated \$8.1 billion in arms sales. To justify the move, officials emphasized the need to bolster regional allies against the increased threat from Iran.

The face-off exacerbates overlapping debates between the White House and Congress on three pressing issues: U.S. policy toward Saudi Arabia, U.S. regional strategy to counter Iran, and legislative oversight in the articulation and execution of foreign policy. Previous stare-downs include a war powers resolution calling for an end to U.S. military assistance for Saudi-led coalition operations in Yemen, which the president vetoed in May after it passed the Democratic-controlled House and Republican-controlled Senate. And in February, the administration **refused to respond decisively** (<https://www.washingtoninstitute.org/policy-analysis/view/the-khashoggi-showdown-executive-congressional-dynamics-and-the-u.s.-saudi>) when Congress invoked the 2016 Global Magnitsky Act to request a determination regarding Saudi crown prince Muhammad bin Salman’s role in the murder of journalist Jamal Khashoggi. In both cases, congressional debate centered on whether Washington’s current relationship with Saudi Arabia strengthens U.S. security priorities or undermines them; members also focused on the broader issue of asserting the legislature’s role in shaping foreign policy.

Today, Congress continues to devote much of its bandwidth to Saudi Arabia, the UAE, and U.S. involvement in Yemen, and the bipartisan Senate group that announced the latest resolutions should worry the administration. The group includes three ranking members of powerful national security committees (Foreign Relations, Armed Services, and Appropriations), as well as two Republican members who have consistently challenged the administration on Middle East policy. In their [press release \(https://www.foreign.senate.gov/press/ranking/release/menendez-graham-murphy-paul-leahy-young-reed-announce-22-joint-resolutions-to-block-weapons-sales-to-saudi-arabia-and-uae-without-congressional-approval\)](https://www.foreign.senate.gov/press/ranking/release/menendez-graham-murphy-paul-leahy-young-reed-announce-22-joint-resolutions-to-block-weapons-sales-to-saudi-arabia-and-uae-without-congressional-approval) describing the resolutions, the senators raised human rights concerns, the behavior of Crown Prince Muhammad, and the worsening humanitarian crisis in Yemen; they also insisted that there are more compelling means to counter Iran than weapons sales. And in defending Congress's oversight role, they characterized the administration's use of the AECA emergency exception as "an abuse" that has "broken the arms sales process."

WHICH SALES ARE SENATORS TRYING TO STOP?

The twenty-two Gulf arms deals that the White House has sought to push through include precision-guided munitions, aircraft support/sustainment, training programs, and intelligence, surveillance, and reconnaissance (ISR) aircraft. The first item is the most controversial. Over the past year, Congress has objected to the sale of precision-guided munitions out of concern that they would exacerbate the humanitarian crisis in war-torn Yemen. Some members therefore see the administration's use of the AECA waiver as an end run around Congress, not a true emergency.

Similarly, aircraft maintenance and training deals are important for sustaining partner air forces, but their urgency is questionable, and they struggle to meet the high standards of AECA's emergency provision. At the same time, some of the sales involve U.S. allies who are part of related supply chains and technology consortiums (e.g., Australia, Britain, France, Israel, Jordan, and Spain), so halting such deals could hurt these countries.

THE IRAN ANGLE

The crux of the debate is the administration's assertion that the Iranian threat constitutes an emergency for which weapons sales are urgently required. Members of Congress have expressed frustration at the administration's insistence that the threat from Iran is more acute than before. While no one disputes that Iran transfers sophisticated weapons to Yemen's Houthi rebels, some members argue that Saudi and Emirati operations in Yemen have opened space for a deeper Houthi-Iran relationship. Others have sought to differentiate "legitimate" security threats—for example, they support U.S. arms transfers that help counter Iran-supported Houthi missile and drone attacks inside Saudi Arabia, but they do not want to assist the coalition air campaign or local Yemeni groups that have exacerbated the humanitarian crisis and made a political solution more elusive. The types of sales moving forward under the emergency waiver do not specifically address the issues that most members of Congress agree are legitimate, such as missile defense.

The administration also faces a high bar when compared to how past administrations have used the same authority. For example, President Bush invoked the exception in 1990 after Iraq invaded Kuwait, selling tanks and F-15s to the Saudis. Yet these weapons came from existing U.S. stocks in Saudi Arabia rather than new production. In the current case, many of the weapons still need to be manufactured and delivered over years, underlining the elusive nature of the "emergency."

CAN CONGRESS REALLY STOP THESE SALES?

The current resolutions of disapproval will not prevent the White House from moving forward with any of the sales. The administration's main purpose in using the emergency exception was to sidestep the standard fifteen-

or thirty-day review period, during which any member of Congress can try to stop a sale through a joint resolution of disapproval. In essence, the senators are using that same standard tool for a nonstandard situation. Yet while twenty-two resolutions can help grab headlines and send a signal to the executive branch, foreign governments, and the defense industry, they are unlikely to compel speedy legislative consideration on the Senate floor. Even if the Senate and House were to pass some of them, President Trump would no doubt veto them, and the Senate is unlikely to override him given the required two-thirds margin.

The longer-term implications are more worrisome. The next major national security legislation coming up for congressional debate is the annual National Defense Authorization Act. If members of Congress are denied the standard options for expressing concern and dissent, they will likely look to more impactful and longer-lasting options such as amendments to the NDAA. For example, they could try to limit future arms sales to Saudi Arabia and the UAE specifically. One could also imagine an attempt to raise the bar even higher for future presidents to use the emergency AECA provision, potentially hampering the White House in a credible emergency situation down the road.

Indeed, by invoking the emergency exception, the White House may have opened a Pandora's box of foreign and economic policy specters that reach beyond the current Gulf arms deals and Iran threats. With the precedent set, Saudi Arabia and the UAE may now expect such expeditious treatment for all defense sales given their place on the frontline against Iran. Meanwhile, Congress will likely retaliate against the executive branch's circumvention of the standard review process by slowing down the approval of future arms sales to these two governments, further deteriorating their already frayed relations with Washington. Other countries may seek preferential treatment as well, citing non-Iran emergencies such as threats from Russia or China. At a time when many foreign officials already view the United States as unreliable, further perceptions of unequal treatment among partners is unlikely to help.

Finally, the situation could have unexpected implications for the defense industry. On the surface, U.S. defense firms have much to gain from the administration's \$8.1 billion in expedited sales. Yet if Congress decides to constrain sales to certain countries or boost its oversight in the long term, more global customers may decide that the costs of doing business with American firms outweigh the benefits. Many buyers are already dismayed by the procedures and pace of U.S. arms sales and are increasingly looking to foreign competitors, particularly Russia and China. A more pronounced shift in that direction would directly affect the U.S. economy and undermine a key tool in Washington's effort to remain the security partner of choice in the Middle East.

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