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Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy

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Summary

This report analyzes state-to-state arms sales in the Middle East with a particular focus on U.S. transfers, as authorized and reviewed by Congress. Arms sales historically have been one important means for Congress to influence U.S. foreign policy toward the Middle East. The information in this report, including sales data, is drawn from a number of official and unofficial open sources.

Arms sales are an important tool that states can use to exercise their influence. The Middle East has long been a key driver of the global trade in weapons, to a disproportionate degree relative to its population. Some states in this heavily militarized and contested region are major arms purchasers, empowered by partnerships with outside supporters and wealth derived from vast energy reserves. Others have relied on grants and loans from the United States and other partners to supplement their more modest resources to meet defense goals. In part due to external relationships but in some cases increasingly independently, some Middle Eastern countries have developed military industrial bases that supply some of their own defense needs and/or generate profits through arms exports.

The United States is the single greatest arms supplier to the Middle East by volume and value, and has been for decades. However, other major producers like Russia, France, and China are also key players in the region, and their transfers of some sophisticated but smaller volume and value items, such as armed unmanned aerial vehicles and air defense systems, may have outsized effects on regional security. These countries' respective strategies and goals for arms sales appear to differ in some ways.

This report considers a number of fundamental questions related to U.S. arms sales to the region, namely whether such sales have contributed to or achieved stated U.S. policy aims, including fostering greater intra-regional security and cooperation. The report then explores in greater depth arms sales, primarily from the United States, to six Middle Eastern states: Egypt, Iraq, Israel, Qatar, Saudi Arabia, and the United Arab Emirates (UAE). These states, some of the region's largest arms purchasers, have taken a range of approaches to pursuing influence and security in an unstable region. Some appear to be increasing their commitment to the United States as their primary security guarantor even as they may be interested both in building up their own domestic arms production capabilities and in seeking out alternative suppliers. When considering domestic or non-U.S. procurement, these states may focus on indications of U.S. military or political commitment to the region and/or U.S. willingness to share technology relative to other potential suppliers.

This report concludes by considering a number of arms sales-related issues of congressional interest. Both the executive and legislative branches have constitutional prerogatives regarding U.S. arms sales, and congressional action related to arms sales has influenced U.S. policy in the Middle East. Congress requires the executive branch to ensure that sales to regional states not adversely affect Israel's military advantage over its neighbors (or qualitative military edge, QME), and arms transfer policy has figured prominently in debates over several countries and crises, such as the Saudi-led coalition's military efforts in Yemen since 2015. Congress also continues to consider arms sales in the context of broader policy issues, such as human rights. The report discusses a number of options available to Members of Congress to influence arms sales to the region, including those related to oversight, reporting requirements, checks on executive action, and conditions on transfers or funding.

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Introduction

This report provides an overview of U.S. arms sales to the Middle East.[1] The report includes

- brief information on U.S. arms sales to the region since the end of the Cold War;
- data on current arms sales by country, with in-depth material on several specific countries, as they relate to regional and global geopolitical developments; and
- analysis of how arms sales shape and reflect U.S. policy in the region in light of actions by Congress and the executive branch.

The data in this report is based on a combination of official and unofficial open-source data sources, including from the Defense Security Cooperation Agency (DSCA) and the Stockholm International Peace Research Institute (SIPRI).[2]

The Demand for Arms in the Middle East

The Middle East is one of the most heavily armed regions in the world, featuring numerous conflicts or standoffs that involve many states in the region. Israeli leaders, pointing to a series of perceived threats, assert a continued need to maintain a large and technologically advanced military. Iran is seen as a threat not just by the United States and Israel, but by nearly every one of its neighbors in the Persian Gulf (the Gulf); Iran in turn views the United States, Israel, and others as foes. Ongoing conflicts and instability in places like Yemen, Syria, and Libya demonstrate the extent to which outside states seek to influence outcomes using their own military forces and arms transfers to local partners.

Several additional factors have created an enormous demand for arms in the region. Several countries face transnational terrorist threats and, in some cases, domestic insurgencies. In addition, some states have large, well-equipped militaries that can influence national arms sales decisions by virtue of the prominent role they often play in domestic and foreign policy. Advances in military technology and capabilities have made some legacy systems obsolete, creating a need for new acquisitions. Some have argued that the importance Middle Eastern governments evidently ascribe to large weapons purchases stems from the role arms may play in building international credibility, as well as national pride and identity. These are strong incentives in a region where political legitimacy is widely contested and where some states became independent in the early 1970s.[3] An increasingly competitive and unstable global environment also may be a factor, as regional states seek to diversify their arms providers.

By almost every measure, the Middle East is a–if not the–major participating region in the global arms trade. Sales data show that the Middle East accounted for an estimated 35% of global arms

[1] This report uses the terms *arms trade, arms sales,* and *arms transfers* interchangeably to refer to the buying and selling of conventional weapons between states; this report does not consider the black market in arms. In this report, the Middle East refers to all countries for which the State Department's Bureau of Near Eastern Affairs has responsibility in the U.S. government.

[2] For more on the long-standing debate over the use of these various sources, and their respective strengths and weaknesses, see Sen. John McCain, "The Need for Improved Analysis of Conventional Arms Transfers," *Congressional Record,* vol. 139 (April 28, 1993), pp. S8484-S8488.

[3] See, for example, Emma Soubrier, "Mirages of Power? From Sparkly Appearance to Empowered Apparatus, Evolving Trends and Implications of Arms Trade in Qatar and UAE," in *The Arms Trade, Military Services and the Security Market in the Gulf States: Trends and Implications,* David Des Roches and Dania Thafer, eds., Gerlach Press, 2016.

imports from 2015 to 2019.[4] According to these data, between 2000 and 2019, the U.S. has supplied nearly 45% of the arms imported by Middle Eastern states, far outpacing those from the next largest suppliers (Russia and France supplied 19.3% and 11.4% of the Middle East's arms imports, respectively).[5] Recent sales follow established patterns: the Middle East has historically been of particular importance for the United States as an arms market. U.S. arms sales data shows that between 1950 and 2017, the Middle East accounted for over $379 billion in U.S. Foreign Military Sales (FMS) agreements (in current, non-inflation adjusted dollars), representing 51.5% of FMS agreements worldwide, and over $234 billion in FMS deliveries, representing 45.8% of FMS deliveries worldwide.[6]

Overview of Major Outside Suppliers

A small number of actors provide most of the external supply of weapons to the Middle East. By every measure, the United States has been the single largest seller of arms to the region for over two decades (before which it contended with the Soviet Union for supremacy in this regard; see **Figure 1**). This reflects both the technological superiority of U.S. arms as well as the active U.S. role in the region. At present, the United States appears to be trying to maintain regional influence amid conflicting domestic and foreign policy imperatives, namely some public desire for an end to U.S. military engagements in the region and demands for U.S. attention and military engagement elsewhere. Many Middle Eastern states appear to view Russia either as a genuine alternative supplier or as a second option whose presence might increase regional buyers' leverage with U.S. officials and exporters, even though purchases from Russia could invite possible U.S. sanctions (see "CAATSA: Possible Sanctions on Purchasers of Russian Weapons").

Both geopolitical considerations and Russia's relative comparative advantages appear to motivate its interest in the region.[7] These comparative advantages include weaponry and systems that are often cheaper than U.S. alternatives, as well as the fact that Moscow does not impose preconditions on arms sales as the U.S. does, including those related to human rights or secondary use.[8] European suppliers, while less centrally involved with regional arms sales than they were in past decades, remain players—despite signs that at least some of them appear increasingly conflicted about profit imperatives versus human rights.[9] Export-oriented production helps maintain the defense industrial base in Europe as in the United States.

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[4] Pieter Wezeman, et al., "Trends in International Arms Transfers, 2019," Stockholm International Peace Research Institute, March 2020.

[5] CRS analysis of arms transfers data from the Stockholm International Peace Research Institute (SIPRI). SIPRI's arms transfers data are derived from a variety of publicly available sources, some of which are unofficial, and attempts to capture DCS data in addition to official FMS data. For this reason, there are slight differences in SIPRI's figures and those from official U.S. documents. For more on SIPRI's sources and methods see, https://www.sipri.org/databases/armstransfers/sources-and-methods.

[6] CRS analysis of FMS data from the Defense Security Cooperation Agency's (DSCA) Fiscal Year Series (updated September 30, 2017). It should be noted that these dollar values for U.S. arms agreements and deliveries to the Middle East states is significantly undercounted because it excludes U.S. arms delivered under Direct Commercial Sales (DCS). For more details see, CRS In Focus IF11441, *Transfer of Defense Articles: Direct Commercial Sales (DCS)*, by Nathan J. Lucas and Michael J. Vassalotti.

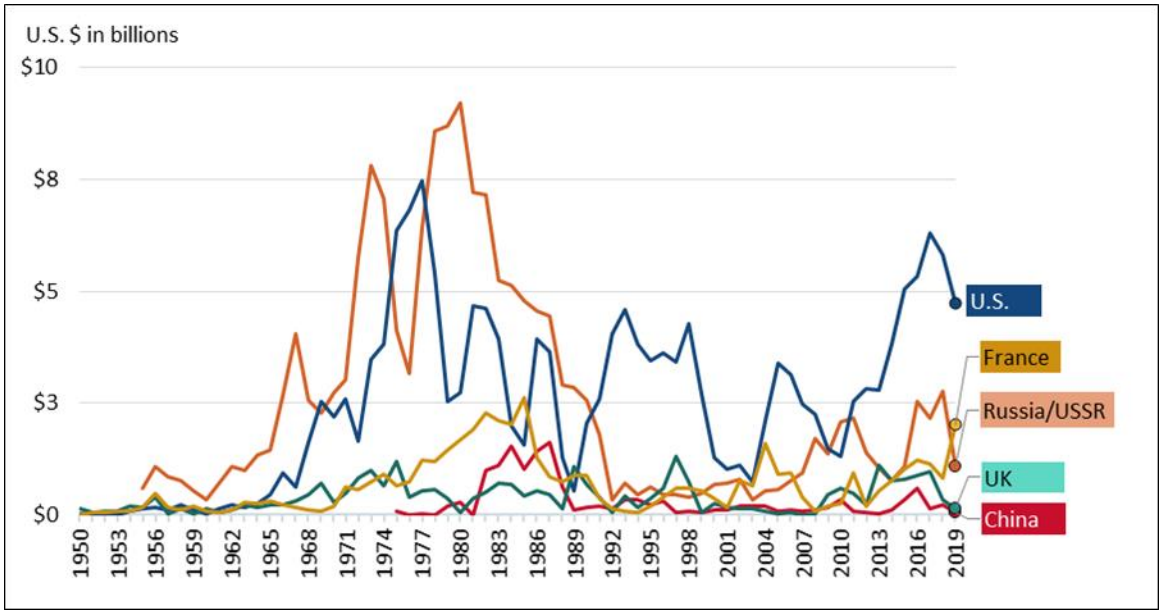
[7] See, for example, Richard Connolly and Cecilie Sendstad, "Russia's Role as an Arms Exporter: The Strategic and Economic Importance of Arms Exports for Russia," Chatham House, March 20, 2017.

[8] Anna Borschchevskaya, "The Tactical Side of Russia's Arms Sales to the Middle East," Washington Institute for Near East Policy, December 2017.

[9] See, for example, Beth Oppenheim, "Europe Is at War over Arms Exports," *Foreign Policy*, September 18, 2019.

Relative newcomer China may be testing waters in the region and making observations to inform its own industrial and strategic goals, particularly with regard to the sale of advanced technologies (such as drones) that many other suppliers to date have been reluctant to sell. While the volume, value, and sophistication of Chinese sales lag behind even most individual Western European suppliers, China may be looking to increase its share of the regional arms trade in coming years. If it does so, some question whether it will be able to continue to remain neutral in regional rivalries and conflicts.[10]

Figure 1. Arms Deliveries to the Middle East: Value, by Selected Supplier, 1950-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

Note: Total exports by supplier to all Middle Eastern states.[11]

Looking ahead, experts expect the regional arms market to be increasingly dynamic, with the U.S. facing increasing competition from other major powers and mid-sized states vying for advantages in terms of scale, technological innovation, and supplier relationships.[12]

Debates over Arms Sales and U.S. Policy in the Middle East

Scholars broadly recognize arms sales as an important instrument of state power, even as they debate the particular effects of arms transfers between nations and the relationship between arms transfers and interstate behavior.[13] States have many incentives to export arms, including

[10] See, for example, Daniel Samet, "Missiles, tanks, and fighter jets: China is eyeing more Middle East arms sales," *National Interest*, December 13, 2019.

[11] See footnote 7 for methodology details.

[12] "From muskets to missiles: The battle for the Middle Eastern arms market is heating up," *Economist*, February 13, 2020; "Trends in International Arms Transfers, 2019," Stockholm International Peace Research Institute, March 2020.

[13] See, for example, David Kinsella, "Conflict in Context: Arms Transfers and Third World Rivalries during the Cold War," *American Journal of Political Science* 38, No. 3, August 1994; Gregory S. Sanjian, "Promoting Stability or Instability? Arms Transfers and Regional Rivalries, 1950-1991," *International Studies Quarterly* 43, 1999; Cassady

enhancing the security of allies or partners, constraining the behavior of adversaries, using the prospect of arms transfers as leverage on governments' internal or external behavior, and creating the economies of scale necessary to support a domestic arms industry.[14] Congress, by authorizing and providing oversight of U.S. arms sales, has the potential to shape U.S. policy in the Middle East. Congressional actions and opinions in specific arms sales cases arguably had a significant effect on overall policy trajectories.[15]

In recent years, conflict in the Middle East has highlighted both the important role Congress may play in shaping U.S. policy in the region (see **Yemen,** below), and the limits of Congress's ability to restrain executive action. Greater congressional scrutiny has delayed deliveries of precision guided munitions and led to investigations into the possible misuse of U.S. equipment. On the other hand, to date, no congressionally passed resolution disapproving of an arms sale has been able to overcome a presidential veto.

Congress may seek to examine: the extent to which U.S. arms sales to the Middle East and related advisory support have improved U.S. partners' military capabilities, the benefits and drawbacks of empowering partner militaries, and the extent to which the United States can achieve its broader policy objectives given divides on select issues among some of its regional partners and between the U.S. and some states. Beyond these general policy questions, some in Congress continue to question whether specific U.S. arms sales to Gulf partners have been consistent with U.S. statutes and international law.

Have Arms Sales to the Middle East Achieved Their Intended Objectives?

U.S. officials justify arms sales to Middle Eastern states chiefly as a way of building those states' capacities to contribute to regional U.S. objectives, such as countering terrorism and deterring Iran. This capacity building is often framed in the context of reducing financial and logistical demands on the United States. For decades, some executive branch officials and Members of Congress also have identified some arms sales relationships as supportive of more targeted U.S. priorities, such as fostering intra-regional cooperation to counter Iran, preventing U.S. competitors like Russia and China from making inroads in the region, and reinforcing Egypt and Jordan's peace treaties with Israel. The record of arms sales in supporting these general and specific goals has been mixed, and the relative importance of arms sales as a contributing factor is difficult to quantify.

Have Arms Sales Made U.S. Partners More Capable?

In the Middle East, the United States has sought to use arms sales to bolster partners' capabilities to advance major U.S. regional security policy priorities, including countering terrorism, ensuring free access of the region's energy resources to global markets, safeguarding U.S. regional partners' internal stability, and countering Iran. U.S. arms sales to partners in the Middle East have demonstrably improved their military capabilities, in some cases dramatically so, as in the

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Craft, *Weapons for Peace, Weapons for War: The Effect of Arms Transfers on War Outbreak, Involvement, and Outcomes,*" Routledge, 1999.

[14] Richard Johnson, "United States Arms Transfer Decision-Making: Determinants of Sales versus Aid," *Peace Economics, Peace Science and Public Policy* 21, No. 4, 2015.

[15] See, for example, Richard Grimmett, "Congress and Foreign Policy Series: Executive-Legislative Consultations on Arms Sales," Congressional Research Service, House Foreign Affairs Committee Print, December 1982; and, James M. Lindsay, "Congress, Foreign Policy, and the New Institutionalism," *International Studies Quarterly,* Vol. 38, No. 2, June 1994, pp. 281-304.

case of Israel. Still, many experts express skepticism about the relative effectiveness of some national forces as a complement or replacement for U.S. or European military forces, particularly in the Gulf.[16]

Saudi Arabia and the United Arab Emirates have demonstrated an ability to project power beyond their borders with U.S. and other foreign support, but decades of U.S. arms sales and training have not created fully independent, logistically self-sufficient, integrated forces in any single Gulf country or across the Gulf as a whole—a long-standing U.S. goal. One former DOD advisor has criticized what he views as a U.S. policy approach that is overly focused on arms transfers and ignores building institutions to use those arms effectively. As he has written:

> Most of the United States' partners in the region lack the defense-institutional capacities that would enable them to become net security providers and better warriors. Giving them more tools, when what they really need is to strengthen, and sometimes even build from scratch, their entire defense and security sectors, is not going to do them much good.[17]

U.S. officials often frame arms sales to the Middle East, particularly the Gulf, as helping to reduce the United States' direct military burden in the region, where the U.S. has a large physical presence in the form of tens of thousands of troops hosted across several major partners' bases. While arms sales and other attempts to develop Gulf militaries might reduce or obviate the need for the U.S. to maintain such a presence in the future, the increased scale and sophistication of U.S. arms sales has not, to date, seen an accompanying decrease in the U.S. regional military footprint.

The geostrategic importance of the resources and waterways of the Gulf region has evolved since the United States first prioritized expanded partnerships and power projection to the region in the 1970s, including as U.S. domestic energy production has significantly increased. Nevertheless, forecasts of global energy and security trends—particularly East Asian energy dependence on the region—could create incentives for the United States to maintain a military footprint in the Middle East, regardless of U.S. and European energy consumption and Gulf partner capabilities.

Joint U.S.-Middle Eastern military partnerships have yielded mixed results in recent years. U.S. equipment and training of partner counter-terrorism forces have at times led to successful operations in places such as Yemen, Iraq, and Tunisia.[18] With regard to the United States' most significant recent counterterrorism effort, the years-long campaign against the Islamic State in Iraq and Syria (IS, aka ISIS/ISIL), the participation of Middle Eastern states has varied. While Iraqi forces, aided by billions of dollars in U.S. training and assistance, were the driving force behind the Islamic State's territorial defeat in Iraq, other U.S. regional partners were not major military participants despite the large amount of U.S. arms and platforms they possess.

Various Gulf countries conducted airstrikes in Syria in 2014 and 2015 as part of the U.S.-led Counter-IS Coalition, but apparently have not done so in recent years; U.S. partners outside the region and the United States itself have far outpaced their efforts. Logistical, C4ISR (Command, Control, Communication, Computers, Intelligence, Surveillance and Reconnaissance), and readiness constraints, along with potential domestic political risks, may have shaped Gulf countries' decisions. Similarly, while three Gulf navies participate in the eight-member International Maritime Security Construct (IMSC), inaugurated in November 2019 to provide

[16] See, for example, Andrew Exum, "U.S. arms sales to the Gulf have failed," *Atlantic*, June 21, 2019.

[17] Bilal Saab, "Arms sales can't replace U.S. engagement in the Gulf," *Foreign Policy*, September 20, 2019.

[18] William Maclean, Noah Browning, and Yara Bayoumy, "Yemen counter-terrorism missions shows UAE ambition," Reuters, June 28, 2016; Lilia Blaise, Eric Schmitt, and Carlotta Gall, "Why the U.S. and Tunisia Keep Their Cooperation Secret," *New York Times*, March 2, 2019.

maritime security in the Gulf, the United States founded the effort and as of September 2020 a British naval commander leads it.

Have Arms Sales Supported Cooperation between and among U.S. Partners?

There are deep divisions within the Middle East that potentially complicate U.S. efforts to create a united front among its regional partners; arms sales do not appear to have ameliorated these rifts, though they potentially could be used for that purpose. Moreover, the partners to whom the United States sells arms have policy approaches that differ from some U.S. policies, particularly regarding Iran, raising questions about the utility of arms sales in furthering U.S. interests. These dynamics are particularly visible in the Gulf, where fostering unity has been a long-sought, and long-frustrated, U.S. policy goal.

The most prominent example of these divisions is the ongoing rift in the Gulf Cooperation Council (GCC) between Qatar and some of its former partners, led by Saudi Arabia and the UAE. In June 2017, Saudi Arabia, the UAE, and Bahrain (along with some other Arab states) cut ties with and began a trade boycott of fellow GCC member Qatar, whose relatively independent foreign policy and support for Muslim Brotherhood-aligned regional movements had caused friction with its neighbors before 2017, notably in 2013-2014. U.S., Kuwaiti, and other efforts to mediate a resolution of the dispute have not succeeded, and speculation about an imminent resolution of the dispute have not come to fruition.[19] In June 2017, then-Senate Foreign Relations Committee Chairman Bob Corker announced that he would withhold preliminary (i.e., pre-notification) approval of all future arms sales to GCC states until Congress could obtain "a better understanding of the path to resolve the current dispute."[20] While acknowledging that the dispute remained unresolved, Corker lifted his hold in February 2018. There do not appear to have been any comparable Administration attempts to leverage arms sales to resolve the rift.

Middle Eastern states also have widely divergent views of Iran, with relations ranging from confrontational to amicable. Saudi Arabia, whose energy infrastructure Iran targeted in September 2019, is engaged in a regional competition with Iran; each side has accused the other of harboring aggressive sectarian and strategic designs on the other and throughout the region. Similarly, the Bahraini government accuses Iran of fomenting unrest among Bahrain's Shia majority. The UAE generally shares the Saudi view of Iran as a threat and Iran-UAE relations are further complicated by a territorial dispute. Yet, the two states have significant commercial ties and Emirati officials have held talks in Iran, including in the past year. The other GCC states maintain relatively normal ties with Iran: the governments of Kuwait, Oman, and Qatar all communicate regularly with their Iranian counterparts. In the event of armed conflict between Iran and the United States, it is unclear how likely these three states, with their U.S.-supplied weapons, would be to participate militarily.

The differences of views among U.S. partners complicate U.S. efforts to encourage greater cooperation, including the U.S. initiative to assemble a "Middle East Strategic Alliance" (MESA) to counter Iran. Egypt withdrew from the initiative in April 2019, reportedly citing concerns about the effort's viability and the potential to increase tensions with Iran. The Trump Administration took emergency action in May 2019 to sell arms to Jordan with the stated purpose of deterring Iran. While Jordan views certain Iranian regional activities as a threat, however, U.S. arms sales

[19] Nabeel Nowairah, "Rethinking U.S. policy toward the fractured GCC," Washington Institute for Near East Policy, May 12, 2020.

[20] Eric Schmitt, "Senator Puts Hold on Arms Sales to Persian Gulf Nations Over Qatar Feud," *New York Times*, June 26, 2017.

do not appear to make any more likely the prospect of Jordan playing a major role in counter-Iran military operations.

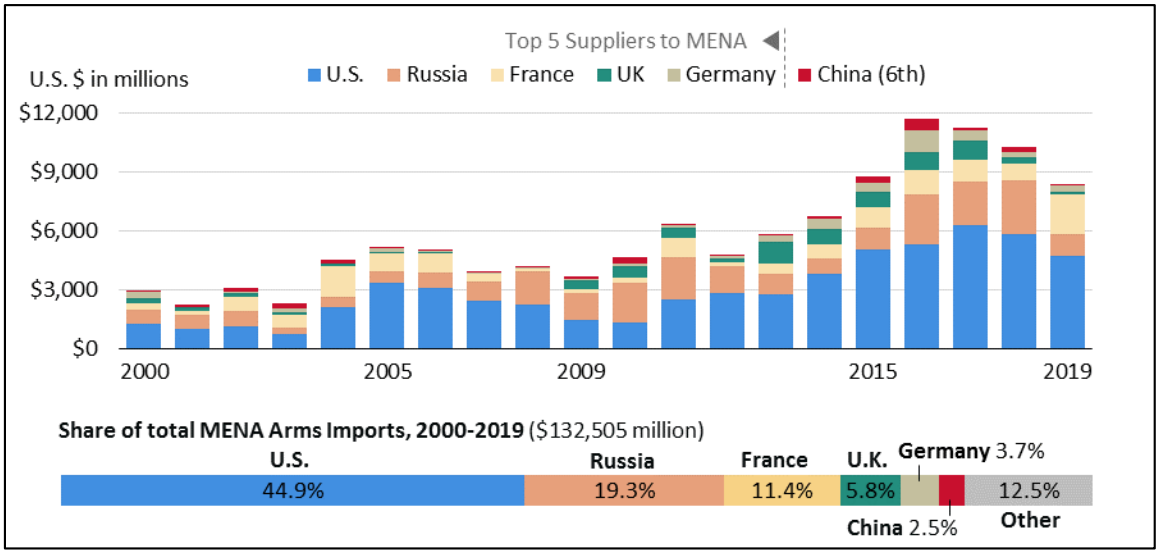
Have Arms Sales Deterred U.S. Regional Partners From Cooperating with U.S. Competitors?

From the perspective of "strategic denial," U.S. sales do appear to have limited the extent to which some purchasers of U.S. equipment and training have turned to strategic competitors of the United States, such as Russia or China, for comparable support. According to recent arms sales data, the U.S. has supplied nearly 45% of the arms imported by Middle Eastern states between 2000 and 2019, while Russia accounted for 19% and China about 2.5% (see **Figure 2**).[21]

For decades, officials in successive Administrations have argued, as President Trump stated in November 2018, "If we foolishly cancel these contracts [with Saudi Arabia], Russia and China would be the enormous beneficiaries."[22] Speaking of the importance that U.S. arms sales play in solidifying U.S. relationships with Middle East partners, CENTCOM Commander General Kenneth McKenzie said in June 2020 that, "We don't want [U.S. partners in the Middle East] turning to China, we don't want them turning to Russia to buy those systems."[23] As increasing Chinese armed unmanned aerial vehicle and missile transfers and Russian arms sales to the region demonstrate, these considerations appear likely to remain relevant.

Figure 2. Arms Suppliers to the Middle East and North Africa (MENA)

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

The pipeline of U.S. ammunition, spare parts, and maintenance arguably makes U.S. partner militaries dependent on the United States for sustained military operations, but possible

[21] CRS analysis of arms transfers data from the Stockholm International Peace Research Institute (SIPRI). See footnote 7 for information on methodology.

[22] White House, Statement from President Donald J. Trump on Standing with Saudi Arabia, November 20, 2018.

[23] "CENTCOM and the Shifting Sands of the Middle East: A Conversation with CENTCOM Commander Gen. Kenneth F. McKenzie Jr.", Middle East Institute virtual panel, June 10, 2020.

interruptions of U.S. support may carry diplomatic and strategic costs. A partner who the United States decides to "cut off" could turn to others over time, even with significant sunk costs. Various countries' development of their own defense production capabilities, including through co-production arrangements under arms sales approved by Congress, may erode any existing U.S. leverage of this type over time.

Have U.S. Arms Sales Helped to Reinforce Regional Peace?

While the prospect of receiving U.S. armaments may not in-and-of-itself be the determining factor in promoting peaceful relations amongst Middle Eastern nation states, over the past few decades it has been a factor in reinforcing peace treaties between Israel and its neighbors.

Since the Israel-Egypt 1979 peace treaty, U.S. policymakers have facilitated arms sales to Egypt to support the related goals of sustaining its close military cooperation with the United States and peace with Israel. Indeed, successive appropriations acts have made funds available for Egypt only if the Secretary of State certifies that Egypt is meeting its obligations under the treaty. While U.S. arms represent an incentive for Egypt to uphold the 1979 treaty, Egypt's ties with Israel are arguably reinforced more by growing cooperation between the two in other areas of mutual concern, such as countering terrorism in the Sinai Peninsula and natural gas development in the eastern Mediterranean.

In the case of Jordan, while there is no comparable statutory requirement conditioning U.S. assistance on Jordan's 1994 peace treaty with Israel, a number of U.S. policy moves related to arms were important in supporting the treaty. These moves include Jordan's acquisition of a squadron of F-16s in 1996 and its designation as a major non-NATO ally later that year. A State Department spokesman directly linked the designation to the peace treaty, saying "this new designation recognizes Jordan's continued support for peace and underscores the strong relationship that is growing between Jordan and the United States. And you can trace it back, I think, to 1994 when President Clinton expressed his determination to support the courageous stand that King Hussein took in advancing the peace process."[24] Israeli support reportedly helped overcome some initial congressional hesitance.[25]

Potential arms sales to the UAE may also have played a role in securing its September 2020 normalization of relations with Israel (Bahrain also established ties with Israel in a series of agreements collectively known as the Abraham Accords). After the Israeli-UAE agreement was announced, but before it was signed, Israeli media reported that the UAE had conditioned its agreement to full normalization with Israel on a major U.S. arms sale package that included, among other items, the F-35 Joint Strike Fighter.[26] Israeli officials announced in October 2020 that they would not oppose such an arrangement. In mid-November 2020, the Trump Administration notified Congress of its intent to sell up to 50 F-35s to the UAE, a decision with potentially dramatic implications for Israel and the region. For more, see "Israel's Qualitative

[24] U.S. State Department Daily Press Briefing #184, November 14, 1996. Available at http://www.hri.org/news/usa/std/1996/96-11-14.std.html.

[25] See Deborah Jones, "Major Non-NATO Ally Status for Jordan: National Security or Peace Process Politics?" National Defense University, National War College, 1998; Lori Plotkin, "Jordan-Israel Peace: Taking Stock, 1994-1997," Washington Institute for Near East Policy, May 1997.

[26] Nahum Barnea, "U.S. to Sell F-35 Jets to UAE as Part of Secret Clause in Israel Ties Agreement," *YnetNews.com*, August 18, 2020. For information on the F-35, see CRS Report RL30563, *F-35 Joint Strike Fighter (JSF) Program*, by Jeremiah Gertler. On August 20, UAE Minister of State for Foreign Affairs Anwar Gargash said that an F-35 sale was not an explicit condition of the normalization deal with Israel, but that the agreement should remove "any hurdles" to such a sale. "Gantz raps Netanyahu for sidelining him on F-35 policy as UAE deal brewed," *Times of Israel*, August 20, 2020.

Military Edge (QME)", below, as well as CRS Report R46580, *Israel's Qualitative Military Edge and Possible U.S. Arms Sales to the United Arab Emirates*, coordinated by Jeremy M. Sharp and Jim Zanotti.

What are Potential Negative Consequences of Arms Sales?

Some observers challenge the premise that the United States should export arms to the Middle East at all, particularly in partnership with non-democracies.

Unpredictability of Local Actors. As policymakers debate the U.S. military "footprint" in the region, some observers have warned that as the U.S. relies more heavily on local partners to provide regional security. In their view, this is, in effect, outsourcing the task of maintaining U.S. deterrence to independent and potentially less capable actors and it increases the risk of instability and perhaps unintended conflict.[27]

Human Rights. As some Middle Eastern countries have engaged in regional military operations using U.S. arms and equipment, critics have argued that these operations have a moral cost–including the use of those arms that result in the death of civilian noncombatants–and a detrimental effect on U.S. interests.[28] Debate over the war in Yemen, as well as UAE and Qatari military support for some parties to the conflict in Libya, has attracted particular attention in this regard during the Trump Administration. Another argument is that weapons provided by the United States empower undemocratic regimes that repress human rights, fostering the political instability that is characterized as a threat to U.S. interests.[29] Trump Administration officials have responded to such criticisms by arguing, perhaps more explicitly than their predecessors, that national security concerns can and should sometimes supersede human rights concerns. In response to a question about the advisability of the United States partnering with governments accused of human rights violations, Secretary Pompeo said in an April 2019 hearing,

> There's no doubt that it's a mean nasty world out there, but not every one of these leaders is the same. Some of them are trying to wipe entire nations off the face of the Earth. And others are actually partnering with us to help keep America safe. There's a difference among leaders. You might call them tyrants; you might call them authoritarians. But, there's a fundamental difference. And therefore, a fundamental difference in the way the United States should respond.[30]

Military Balance. Congress has long debated whether and how improving the capabilities and independent operational capacity of Middle Eastern states might shape the military balance of power in the region. From the 1970s through the 2010s, some in Congress viewed arms sales to some Middle Eastern states with significant skepticism and scrutiny, citing fears about potential threats to the security of Israel.[31] In more recent years, Gulf states and others have developed more overt ties with Israel, thus arguably making Israeli security less of a concern in the debate

[27] Fahad Nazer, "Main Obstacle to New US-GCC Partnership May Be GCC Itself," Atlantic Council, June 3, 2015; Perry Cammack and Michelle Dunne, "Fueling Middle East Conflicts – or Dousing the Flames," Carnegie Endowment for International Peace, March 23, 2018.

[28] See, for example, A. Trevor Thrall and Caroline Dorminey, "Risky Business: The Role of Arms Sales in U.S. Foreign Policy," Cato Institute, March 13, 2018.

[29] Amnesty International, *Arms Transfers to the Middle East and North Africa: Lessons for an Effective Arms Trade Treaty*, 2011.

[30] CQ Congressional Transcripts, Senate Appropriations Subcommittee on State and Foreign Operations Holds Hearing on Fiscal 2020 Budget Request for the State Department, April 9, 2019.

[31] Anna Ahronheim, "Israel's next security concern: a Middle East arms race," *Jerusalem Post*, May 24, 2017.

on arms sales to those states. The volume of U.S. sales has also contributed to what some characterize as a regional arms race,[32] an issue of long-standing congressional concern.[33]

Sustainability. Others challenge the long-term financial and political viability of current sales arrangements within regional states, questioning whether U.S. partners can and should purchase high volumes of arms or sophisticated, high-cost systems in light of fiscal strains and domestic obligations. For some U.S. partners, maintaining high levels of arms procurements may result in less spending on infrastructure, education, and various public services to which populations have become accustomed in recent decades.[34]

Impact on U.S. Domestic Industry

The impact of U.S. arms exports on the U.S. economy and domestic job creation has been an issue of contention. Some have argued that U.S. arms exports are critical to the U.S. economy and have created a substantial number of American jobs. Others have argued that the economic and strategic benefits of U.S. arms exports are marginal, especially when weighed against to their potentially negative impacts.

Trump Administration Reinterprets Missile Technology Control Regime (MTCR)[35]

On July 24, 2020, the Trump Administration announced that the United States would reinterpret the multilateral Missile Technology Control Regime (MTCR) to ease export guidelines for some unmanned aerial systems (UAS) or drones, including armed MQ-9 Reaper drones and other systems. In a factsheet released the same day, the State Department listed five policy objectives of the change, of which the first was "to increases [sic] trade opportunities for U.S. companies."[36] Other objectives include bolstering partner capacity and strengthening bilateral relationships. The move follows previous changes in 2018 and 2019 to facilitate UAS exports. Section 1278 of the House-passed FY2021 NDAA directs the Secretary of State to submit annual reports on the effectiveness of U.S. efforts to export certain items covered by the MTCR.

U.S. membership in the Missile Technology Control Regime (MTCR) had previously constrained U.S. arms sales, including in 2015, when it was cited in a letter that indicated the Obama Administration's intent not to sell certain drones to Jordan.[37] Supporters of the change argued that the restriction on UAS exports allowed China to develop its industrial base, achieve technological advancements, and establish relationships with U.S. partners.[38] Middle Eastern countries such as Iraq and Jordan have bought Chinese UAS, and several have used them in combat, including Saudi Arabia (in Yemen) and the UAE (in Libya). Other significant or potential UAS exporters

[32] Anna Ahronheim, "Israel's next security concern: a Middle East arms race," *Jerusalem Post*, May 24, 2017.

[33] 22 U.S.C. §2778(a)(2) directs the President to consider, when evaluating arms transfers, whether, among other possibilities, their export "would contribute to an arms race." The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (P.L. 102-138), found that, in addition to regional instability and other factors, "the continued proliferation of weapons and related equipment and services contribute further to a regional arms race in the Middle East." Section 404 of the law directed the President to negotiate and then implement a "multilateral arms transfer and control regime" for the region and further required a number of reports, including annual reports documenting all transfers to Middle Eastern states and their impact on regional military balance. Those reports were declared obsolete and discontinued in the FY2017 State Department Authorities Act (P.L. 114-323), which repealed Section 404 of P.L. 102-138. Arms sale notification guidelines require the executive branch to assess the potential effects of proposed sales on the regional security environment.

[34] See, for example, Jaroslaw Jarzabek, "G.C.C Military Spending In Era of Low Oil Prices," Middle East Institute, August 2016.

[35] For more, see CRS In Focus IF11069, *U.S.-Proposed Missile Technology Control Regime Changes*, by Paul K. Kerr.

[36] U.S. State Department Bureau of Political-Military Affairs, "U.S. Policy on the Export of Unmanned Aerial Systems," July 24, 2020.

[37] Rowan Scarborough, "Obama: No U.S. drones for ally Jordan," *Washington Times*, August 19, 2015.

[38] See Senate Foreign Relations Committee, "Chairman Risch on Administration's Decision to Modernize the Missile Technology Control Regime," July 24, 2020.

include Israel and Turkey. Opponents condemned the shift as a "reckless" move that increases the risk of governments using U.S. materiel to abuse human rights.[39]

As noted above, the U.S. plays a major role in the global arms market; according to one 2020 survey, 42 of the world's 100 largest defense firms are based in the U.S., including seven of the top ten.[40] Successive U.S. administrations have argued that arms sales play a role in sustaining the U.S. defense industrial base and that arms sales, in keeping that industry competitive and innovative, have national security and economic benefits for the United States.[41]

While the majority of U.S. defense contractors' business is domestic, exports to Middle Eastern states have at times played a key role in supporting the United States' defense industry. Kuwaiti and Qatari purchases of Boeing's F-18 and F-15 jets helped keep assembly lines open in St. Louis, Missouri.[42] Similar dynamics have reportedly played out in South Carolina (where Bahrain's purchase of 16 F-16s boosted a Lockheed-Martin plant in the state),[43] Ohio (where Saudi orders have sustained General Dynamics tank production in Lima),[44] Massachusetts (home to Raytheon, whose production of the Patriot air and missile defense system was rejuvenated by a 2008 UAE deal),[45] and elsewhere. Orders for other systems that remain in use by U.S. forces may add to orders being placed for U.S. and other partner countries' purchases, but may not have an easily identifiable net effect.

More so than its predecessors, the Trump Administration has emphasized the economic benefits to the United States of selling arms abroad. In the April 2018 National Security Presidential Memorandum Regarding U.S. Conventional Arms Transfer Policy, the Administration specified that when making arms transfer decisions, it would take into account a potential arms sale's "financial or economic effect on United States industry and its effect on the defense industrial base."[46] President Trump often speaks about arms sales as a boon for U.S. workers; in October 2018, he claimed that new arms sales to Saudi Arabia would be worth "over a million" jobs.[47] One analyst argues that Saudi arms sales support 40,000 jobs at most, at least some of which are located outside of the United States (mostly in Saudi Arabia, which, as noted above, is seeking to boost its own domestic arms industry).[48] Assistant Secretary of State for Political-Military Affairs

[39] Senate Foreign Relations Committee, "Menendez Statement on Administration's Loosening of Regulations to Export Drones," July 24, 2020.

[40] "Top 100 for 2020," *DefenseNews*.

[41] U.S. State Department Bureau of Political-Military Affairs, "Fact Sheet: U.S. Arms Sales and Defense Trade," July 27, 2020. See also CRS In Focus IF10548, *Defense Primer: U.S. Defense Industrial Base*, by Heidi M. Peters.

[42] Chuck Raasch, "Boeing jet deal means big boost for St. Louis jobs," *St. Louis Post-Dispatch*, September 28, 2016; Joe Gould, "US-Qatar fighter jet sale worth $21B in middle of diplomatic crisis," *Defense News*, June 6, 2017.

[43] Maayan Schechter, "Lockheed Martin facility in Greenville 'ideal' for F-16 shift," *The Greenville News*, March 26, 2017.

[44] Andrea Shalal-Esa, "Saudi, Egypt orders to keep US tank plant running," Reuters, May 11, 2012; Rich Smith, "Can a Massive Saudi Arms Deal Help Save General Dynamics' Tank Biz?" *Motley Fool*, August 21, 2016.

[45] Ivan Gale, "UAE aids upgrade of Raytheon's Patriot missile system," *The National*, June 29, 2011; Andrea Shalal-Esa, "Raytheon sees "never-ending" opportunity in Patriot missile system," Reuters, August 4, 2013.

[46] The White House, National Security Presidential Memorandum Regarding U.S. Conventional Arms Transfer Policy, April 19, 2018.

[47] White House, "Remarks by President Trump at Defense Roundtable," October 20, 2018.

[48] William Hartung, "U.S. Military Support for Saudi Arabia and the War in Yemen," Center for International Policy, November 2018. This estimate appears to go back at least several decades; the same figure ("I believe it is, per billion dollars, about 40,000 jobs") was referenced by a witness at an October 1981 Senate hearing. Hearing before the Senate Foreign Relations Committee, "Arms Sales Package to Saudi Arabia," October 5, 1981.

Clarke Cooper cited a figure of 5,700 jobs for every $1 billion in arms sales in July 2020.[49] An outside analyst, citing Commerce Department data, estimates that, generally, $1 billion in arms exports supports about 4,000 jobs, fewer than are supported by other export industries.[50]

Beyond challenging the scale of arms sales' economic impact, opponents of specific arms sales sometimes characterize these potential economic benefits as incommensurate with possible risks to U.S. national interests. In March 2016, Senator Chris Murphy said of arms sales to Saudi Arabia,

> Ultimately I'm tasked with creating jobs in Connecticut, but first and foremost I'm tasked with keeping America safe from attack and keeping my state safe from attack. And so the most sacred obligation you have, right now as a member of Congress, is to prevent another 9-11 attack from happening. And so, to me, the way in which we have sold arms to the Saudis without requiring them to be a true lasting daily partner in the fight against extremism really puts our country's national security in jeopardy. And so, yes, sometimes you have to make tradeoffs between, you know, economic security and physical security for the nation. But the latter has to triumph when there's a conflict.[51]

History of Congress and Arms Sales in the Middle East

Since the end of World War II, the Middle East has at times featured prominently in congressional deliberations over U.S. arms sales. Members' questions over specific arms sales to states in the region have helped frame the terms of the arms sales debate, and have shaped the broader, sometimes contentious relationship between the executive and legislative branches over U.S. foreign policy.

In the aftermath of World War II, the provision of arms became a major area of competition in the Cold War rivalry between the United States and Soviet Union. Through arms sales, the two superpowers sought to reinforce nations within their spheres of influence, and to entice nonaligned states to support them. The Middle East was one of the most contested regions, with the United States providing weapons to partners like Saudi Arabia and prerevolutionary Iran, and Soviet weapons flowing to Egypt, Syria, and Iraq.

Some policymakers, reflecting currents within public opinion, reacted to this postwar military buildup with calls for a more measured approach, leading to the passage of the Arms Control and Disarmament Act in 1961, which began by declaring "a world … free from the scourge of war and the dangers and burdens of armaments" to be the fundamental goal of U.S. policy. To achieve this goal, Congress created the Arms Control and Disarmament Agency (ACDA), an independent agency charged with coordinating research on international arms sales and managing U.S. participation in international meetings and negotiations convened to discuss arms control.

After the Nixon Administration acted unilaterally with regard to specific arms transactions with Iran, Saudi Arabia, and Kuwait, Congress passed the Foreign Assistance Act of 1974 (P.L. 93-559), which laid the basis for the system that still exists in its essential form today.[52] The Nelson-

[49] U.S. Department of State, Briefing with Assistant Secretary for Political-Military Affairs R. Clarke Cooper on New Developments in the U.S. Defense Trade, July 24, 2020.

[50] Jonathan Waverly, "America's Arms Sales Policy: Security Abroad, Not Jobs at Home," *War on the Rocks*, April 6, 2018.

[51] Stephen Snyder, "US senator to Saudis: Stop bombing civilians in Yemen," PRI, March 16, 2016.

[52] Peter Tompa, "The Arms Export Control Act and Congressional Codetermination over Arms Sales," *American University International Law Review* Vol. 1 (1986), p. 294. Legislation with the same name was also passed in 1948 and 1961, among other years.

Bingham Amendment to the act required the President to notify Congress of government-to-government arms sales above $25 million, after which Congress would have 20 calendar days to veto the sale by concurrent resolution. Nelson-Bingham was quickly put to the test when the Ford Administration informed Congress in July 1975 of its intent to sell a number of air defense missile batteries to Jordan. Congressional concerns over the security of Israel (whose government opposed the sale), and over the fact that Congress was not consulted in advance, led the Ford Administration to withdraw the sale. The sale went through later in the year after a number of modifications mollified those concerns.[53] The episode marked an important precedent in the establishment of congressional prerogatives over arms sales.[54]

The International Security Assistance and Arms Export Control Act of 1976 (AECA, P.L. 94-329) further refined the process by which Congress reviews arms sales proposed by the executive branch. As amended by P.L. 99-247, the AECA requires that, for sales over a certain valuation, the administration must provide formal notification 30 calendar days before taking steps to conclude the sale, during which time Congress may adopt a joint resolution of disapproval, which, if signed by the President, will prevent the sale from going forward.[55] Dozens of resolutions of disapproval have been introduced, with the majority related to proposed sales to Middle East countries (see **Appendix B**). To date, no sale has been blocked as a result of a joint resolution of disapproval.

However, in some cases, congressional scrutiny, skepticism, or adoption of such a resolution has arguably contributed to preventing or delaying arms sales to Middle East countries, or to altering the terms of sale. For example, after 64 Senators sent a letter to the White House indicating their opposition to elements of a proposed arms package for Saudi Arabia in 1987, the Reagan Administration dropped the inclusion of Maverick antitank missiles to secure approval for the remaining items.[56]

The closest Congress has come to blocking a sale legislatively came in 1986, when both the House and the Senate adopted by veto-proof majorities legislation to block a proposed sale of several hundred Sidewinder, Harpoon, and Stinger missiles to Saudi Arabia. President Reagan vetoed the legislation (S.J.Res. 316) but decided to drop the Stinger missiles from the sale. This was enough to save the rest of the deal, the blocking of which failed by a single vote in the

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[53] Lewis Sorley, *Arms Transfers under Nixon: A Policy Analysis* (The University Press of Kentucky, 1983), pp. 109-110.

[54] Congressional authority over arms sales is constitutionally derived from the commerce clause (Article 1, Section 8, Clause 3) as well as Article 4, Section 3, Clause 1, which grants to Congress the power to "dispose of and make all needful Rules and Regulations respecting ... Property belonging to the United States," among others. Presidential power in this area is not as clearly enumerated and rests on more general executive authorities. For more on the debate over these concurrent powers, see Tompa, op. cit.

[55] After a joint resolution is passed by both the House and the Senate, the measure would next be sent to the President. Once this legislation reaches the President, presumably he or she would veto it in a timely manner. Congress would then face the task of obtaining a two-thirds majority in both houses to override the veto and impose its position on the President. For more information on this process and historical examples thereof, see CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Paul K. Kerr. In the 1983 Supreme Court Case *INS vs. Chadha*, the Court ruled unconstitutional the legislative veto, a process by which Congress could overturn Administration decisions without formally enacting a law, such as concurrent resolutions under the AECA. In 1986, Congress passed P.L. 99-247, revising the AECA to replace concurrent resolutions with joint resolutions (which can be vetoed by the President). Larry Mortsolf, "Revisiting the Legislative Veto Issue: A Recent Amendment to the Arms Export Control Act," *DISAM Journal* (volume 8, issue 4), Summer 1986.

[56] Elaine Sciolino, "U.S. Withdraws Antitank Arms From Saudi Sale," *New York Times*, October 9, 1987. For more examples, see CRS Report R46580, *Israel's Qualitative Military Edge and Possible U.S. Arms Sales to the United Arab Emirates*, coordinated by Jeremy M. Sharp and Jim Zanotti.

Senate, 66-34. More recently, proposed Senate legislation to block specific sales of weapon systems to Saudi Arabia did not garner sufficient votes to pass in September 2016 (27-71) and June 2017 (47-53), nor did a similar measure to block a proposed sale to Bahrain in November 2018 (21-77).

The congressional response to the Trump Administration's May 2019 invocation of AECA emergency authorities to immediately sell billions of dollars in U.S. weapons to Saudi Arabia, the UAE, and Jordan marks a significant moment in the history of U.S. arms sales to the Middle East (for more see "Congressional Oversight: May 2019 Emergency Arms Sales", below). On June 5, 2019, a bipartisan group of seven senators introduced Joint Resolutions of Disapproval against the sales. About two weeks later, the Senate passed those resolutions, followed by the House in July. President Trump vetoed those measures on July 24, 2020, and the Senate voted not to override his vetoes. Since the emergency sales, some Members of Congress have proposed amending that emergency authority to restrict the conditions under which the president may exercise it.

In June 2020, it was reported that the Trump Administration, frustrated with informal congressional holds placed on sales to Saudi Arabia and Turkey, may forgo the notice and right of approval traditionally given to relevant congressional committees before formal arms sales notifications.[57] This informal approval process dates back to February 1976 correspondence between then-Senate Foreign Relations Committee member Senator Hubert Humphrey and the Ford Administration. In the midst of congressional proceedings that would lead to the passage of the AECA later that year, the Administration wrote that, "We will provide advance notification to the Committees' staff in writing of all FMS cases under consideration" which "will provide at least twenty (20) additional days for committee review…before the formal statement required by Section 36b." One observer has argued that eliminating the informal committee notification process "could circumvent congressional oversight," while also damaging the Administration's stated policy objective by "[depriving] the administration of an early opportunity to adjust sales to reflect congressional concerns, which could actually lead to delays."[58] The Trump Administration informally notified Congress of its intent to sell F-35s to the UAE on October 29, and submitted formal notification for that and other UAE sales packages on November 10, 2020, short of the traditional 30-day period between informal and formal notification.[59]

Select Country Profiles

Egypt

By one metric, Egypt is the world's third-largest importer of arms, a product of its status as the biggest Arab state, its large and politically powerful military, and its strategically important geographic position (including administration of the Suez Canal).[60] First a Soviet client during the Cold War, Egypt became a major market for U.S. arms in the late 1970s and 1980s, as the United States sought to entice and then reward and reinforce Egypt's pivot away from Soviet influence and its 1979 peace treaty with Israel.

[57] Michael LaForgia, et al., "Trump Administration May End Congressional Review of Foreign Arms Sales," *New York Times*, June 25, 2020.

[58] LaForgia, et al., op. cit.

[59] Engel Statement on Proposed Sale of F-35 Aircraft to UAE, October 29, 2020.

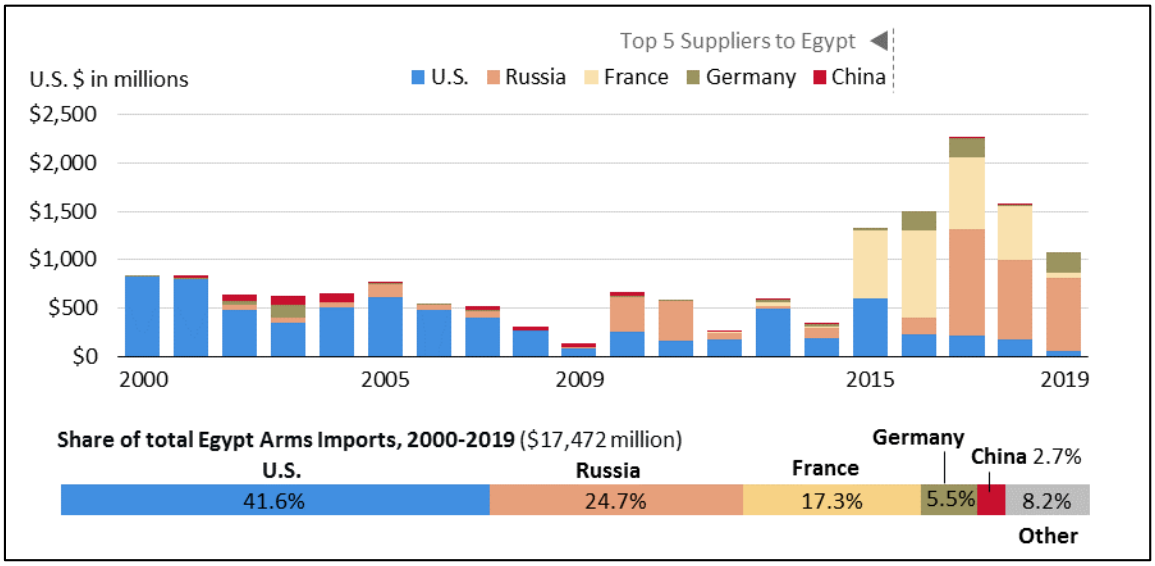
[60] "USA and France dramatically increase major arms exports; Saudi Arabia is largest importer," Stockholm International Peace Research Institute, March 9, 2020.

As part of this support, Egypt has consistently been one of the world's highest recipients of Foreign Military Financing (FMF), which it uses exclusively to purchase U.S. weapons. But political turmoil in Egypt since 2011 and repressive measures that the government of President Abdel Fattah al Sisi has taken against domestic opponents after Sisi overthrew the elected government in 2013 have contributed to tension between the United States and Egypt, complicating bilateral relations. Within this context, Egypt's government has sought sources of major defense systems beyond the United States, though sales have risen and some previously withheld aid has been restored under the Trump Administration (see "Providing Weaponry to Governments Suspected of Human Rights Violations," below).[61] In 2020, the Administration notified Congress of a potential sale of $2.3 billion in equipment to refurbish 42 of Egypt's U.S.-origin AH-64E Apache attack helicopters.

From 2010 to 2014, 47% of Egyptian arms acquisitions came from the United States; that figure dropped to 15% from 2015 to 2019, as France (35%) and Russia (34%) stepped in to fill the gap (see **Figure 3**). Most of Egypt's military assets (including its air fleet) are divided between higher-end American equipment, Western European imports, and older Eastern European systems. Although diversification may lessen Egypt's dependence on any one supplier to some extent, it also raises the level of complexity Egypt faces in maintaining diverse weapons systems and juggling multiple supplier relationships. For example, Egypt's pursuit of some Russian systems could trigger U.S. sanctions (see CAATSA, below).

Figure 3. Arms Suppliers to Egypt

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

[61] Some specific recent transactions illustrate apparent Egyptian attempts to diversify in the aftermath of the Obama Administration's reaction to the 2013 military intervention. In February 2014, Egypt signed a $3 billion weapons deal with Russia. Two months later, the United States went through with a sale of Apache helicopters that had been frozen because of the 2013 military intervention and its aftermath, although the Obama Administration continued to withhold delivery of more than a dozen F-16s until March 2015.

Meanwhile, Egypt has strengthened its relationship with European suppliers, especially France, despite European uneasiness regarding Sisi's post-2013 crackdown against dissent. Egypt and France concluded a $5.2 billion deal for 24 Rafale fighter jets in February 2015, and seven months later, Egypt agreed to buy two Mistral helicopter carriers for more than $1 billion.[62] The two countries signed another agreement, worth more than $1 billion, in April 2016 for additional ships, fighter jets, and a military satellite communication system.[63] It remains to be seen whether Egypt's recent purchases from non-U.S. sources will affect its relationship with the United States. According to one Egyptian officer, "The idea is to diversify armaments either from Russia, the US, China, or France, and not to rely on one armament source."[64]

Egypt's military record in light of recent arms purchases is unclear: in its conflict against an Islamic State-aligned insurgency in the Sinai Peninsula, one account describes the "intensified counterterrorism campaign" as an indicator of Egypt's military revival, while another says the "campaign has been ineffective at best and counterproductive at worst."[65]

Egyptian Arms at a Glance: Select Platforms and Procurements

Fixed-wing combat aircraft: 36 F-4s (US), 240 F-16s (US), 24 Rafales (France), 91 Mirages (France), 36 MiG-21MFs (USSR), 18 MiG-29s (Russia), 80 CAC F-7s (China)

Fixed-wing transport aircraft: 22 C-130Hs (US), 3 An-74s (Ukraine), 8 DHC-5Ds (Canada), 24 C295Ms (international)

Rotary-wing combat aircraft: 45 AH-64 Apaches (US), 55 SA 342 Gazelles (US), 12 Ka-52S (Russia)

Air defense: 4 Patriot batteries (US); S-300VM (Russia)

Navy: 4-8 submarines (China/Germany), 41 fast-attack craft (35 missile, 6 gun; USSR, Israel, US), 11 frigates (US, China, Spain, France), 2 Mistrals (France), 4 corvettes (France), 1 missile corvette (Russia)

Artillery: 155 mm self-propelled howitzers (US)

Armored vehicles: 1,130 battle tanks (mostly M1A1s, US), hundreds of APCs (USSR, US, Egypt)

Total value of all DSCA FMS notifications since 2010: $2.1 billion

Top Five Suppliers, 2000-2019: United States (41.6%), Russia (24.7%), France (17.3%), Germany (5.5%), and China (2.7%)

Note: The information in this and the following national platforms/procurements textboxes is drawn almost entirely from Jane's.

Iraq

Iraq has purchased major U.S. weapons systems and materiel (with some U.S. FMF and other assistance), but has also sought to diversify the sources from which it obtains arms. As Iraq struggles to manage U.S.-Iran tensions (and periodic direct conflict within Iraq itself), Russia has emerged as an alternative supplier for some systems.

From 2011 until 2016, the United States proposed more than $28 billion in foreign military sales to Iraq, including a $2.3 billion sale of 18 F-16s in 2011; a proposed $4.8 billion sale of 24 Apache helicopters in 2014 has not been implemented.[66] U.S. arms sales to Iraq took on greater urgency after the Islamic State (IS, also known as ISIL, ISIS, or the Arabic acronym *Da'esh*) swept into northern Iraq in July 2014, resulting in proposals for $2.4 billion for 175 Abrams tanks

[62] France originally built the Mistrals for a 2011 deal with Russia, but their delivery to Russia was cancelled after the imposition of EU sanctions on Russia after its invasion of Ukraine and unilateral annexation of Crimea.

[63] Oscar Nkala, "Egypt, France To Sign Arms Deal Mid-April," *Defense News*, April 6, 2016.

[64] "Egypt Defence Expo highlights Cairo's diversified military strategy," *The National* (UAE), December 8, 2018.

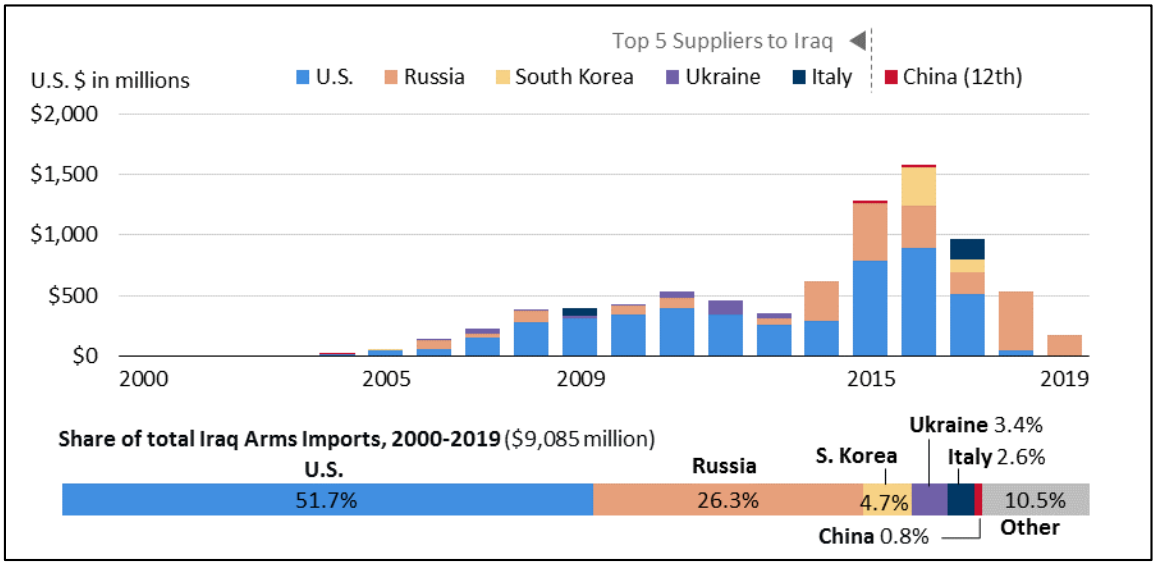
[65] Robert Springborg and F.C. Williams, "The Egyptian Military: A Slumbering Giant Awakes,"Carnegie Middle East Center, February 28, 2019; William Hartung and Seth Binder, "U.S. Security Assistance to Egypt: Examining the Return on Investment," Project on Middle East Democracy and Center for International Policy, May 2020.

[66] Figure calculated from DSCA Major Arms Sales Archives.

in December 2014 and nearly $2 billion for F-16 munitions in January 2016. During the Trump Administration the United States has proposed one foreign military sale to Iraq, and deliveries from other countries, notably Russia, have increased significantly. In 2020, reports have suggested that Iraq's F-16 program is facing considerable challenges after U.S. contractors withdrew from the country amid security concerns.[67]

Figure 4. Arms Suppliers to Iraq

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

According to SIPRI, Russian arms deliveries to Iraq tripled from 2010-2014 to 2015-2019; for the last period, Russia was the second largest supplier of arms to Iraq (34% of deliveries), behind only the United States (45%); see **Figure 4**.[68] Iraq has a considerable amount of Russian-origin equipment, a legacy of its past supply relationship with the Soviet Union. A $4.2 billion arms deal between Iraq and Russia was announced in October 2012 and was reportedly put on hold a few weeks later.[69]One component of the deal, however, an order of Mi-28 Havoc "Night Hunter" attack helicopters, was delivered and used against the Islamic State.[70] In 2020, amid calls from some Iraqis that U.S. forces leave the country, several Iraqi officials have expressed interest in additional major arms purchases from Russia, including the S-400 air defense system, with some indicating that at least preliminary talks have been held.[71] Iraq has purchased military unmanned aerial vehicles from China, but U.S. officials reported in June 2019 that most of these systems were not operational. Iraq has also finalized major arms purchases from smaller suppliers, such as

[67] Ellen Ioanes and Lara Seligman, "Iraqi F-16s Could Be in Jeopardy Amid Iran Tensions," *Foreign Policy*, January 30, 2020; Hollie McKay, "Billions wasted? Iraqi pilots claim pricey F-16 program is falling apart," Fox News, August 26, 2020.

[68] "USA and France dramatically increase major arms exports; Saudi Arabia is largest importer," op. cit.

[69] Suadad al-Salhy, "Iraq scraps $4.2 billion Russian arms deal, cites graft," Reuters, November 10, 2012.

[70] "Iraq Receives Final Mi-28 NE Military Helicopters From Russia," *The Moscow Times*, June 29, 2016.

[71] Ben Kesling and Brett Forrest, "Iraq Considers Purchase of Russian Air-Defense Missile System," *Wall Street Journal*, January 10, 2020.

South Korea and the Czech Republic; Iraq represents a top-three client for each country's defense industry.

Iraqi officials have acknowledged and welcomed Iranian military assistance and advice to their national security forces since 2014, likening Iranian support to support received from other foreign parties, including the United States. Iran also supplied some Shia militias that fought the Islamic State alongside Iraqi forces, and reportedly arms some forces that operate outside the official Iraqi command structure. However, Iraq does not appear to have purchased major weapons systems from Iran. Annex B of UNSCR 2231, which endorsed the Joint Comprehensive Plan of Action (JCPOA, or Iran nuclear deal), banned Iran from selling arms.[72] The U.N. Security Council considers that ban to have expired as scheduled on October 18, 2020, although the Trump Administration asserts that it has invoked a provision of Resolution 2231 that reimposes all U.N. sanctions on Iran, including the ban. For more, see CRS In Focus IF11429, *U.N. Ban on Iran Arms Transfers and Sanctions Snapback*, by Kenneth Katzman.

Iraqi Arms at a Glance: Select Platforms and Procurements

Fixed-wing combat aircraft: 34 F-16s (US), 18 Su-25s (Russia), 10 L-159As (Czech Republic), 4 AC-208Bs (US)

Fixed-wing transport aircraft: 3 C-130Es, 6 An-32s (Ukraine), 6 C-130J-30s

Rotary-wing combat aircraft: 30 Bell 407s (Canada/US), 24 Mi-24s (Russia), 15 Mi-28s (Russia)

Air defense: 24 Pantsyr systems (Russia)

Navy: patrol craft (Italy, U.S., China)

Artillery: 24 155 mm self-propelled howitzers (US)

Armored vehicles: 255 battle tanks (Czech Republic, US, USSR, France, Italy), 1000+ APCs (US, Ukraine, USSR, UK, Pakistan)

Total value of all DSCA FMS notifications since 2010: $33.7 billion

Top Five Suppliers, 2000-2019: United States (51.7%), Russia (26.3%), South Korea (4.7%), Ukraine (3.4%), and Italy (2.6%).

As the U.S. role and presence in Iraq shifts, with the possibility of further military reductions, the structure and terms of U.S. security assistance may become an issue of greater prominence in the bilateral relationship. Reflecting Iraq's needs, current fiscal difficulties, and status as a major oil exporter, the United States blends U.S.-funded programming with lending and credit guarantees. Recent FMF assistance to Iraq has supported the cost of U.S. FMF loans and supports ongoing security cooperation. In addition, the sale of U.S. arms to the forces of the Kurdistan Regional Government (KRG) has been approved by Iraqi national government authorities, but sales to both entities could fuel tensions if KRG-Baghdad relations sour. U.S. officials assess that Iraq is increasingly capable of operating independently against internal threats posed by the Islamic State, but Iraq continues to have military capability deficits relative to some of its neighbors and extra-regional powers.

As with a number of other Middle East partners, Iraq's human rights record has been a subject of concern for some Members of Congress. The competence of the Iraqi military in the face of the Islamic State's 2014 offensive, when thousands of U.S.-supplied items were captured by IS

[72] In February 2014, it was reported that Iraq had agreed, in November 2013, to purchase approximately $200 million worth of weapons (including mortars, ammunition, and light and medium arms) from Iran, allegedly spurred by frustration on the part of then-Prime Minister Nouri al-Maliki about the slow pace of deliveries from the United States. Some observers viewed the deal, which appeared to violate a then-operative U.N. ban on the sale of Iranian weapons to any other state (UNSCR 1747), as both a message to the United States and a bid for greater support from Iran. Ahmed Rasheed, "Exclusive: Iraq signs deal to buy arms, ammunition from Iran – documents," Reuters, February 24, 2014.

fighters to be turned on Iraqi forces, other anti-IS fighters, and civilians, also has attracted additional scrutiny (see "End-Use Monitoring (EUM)").

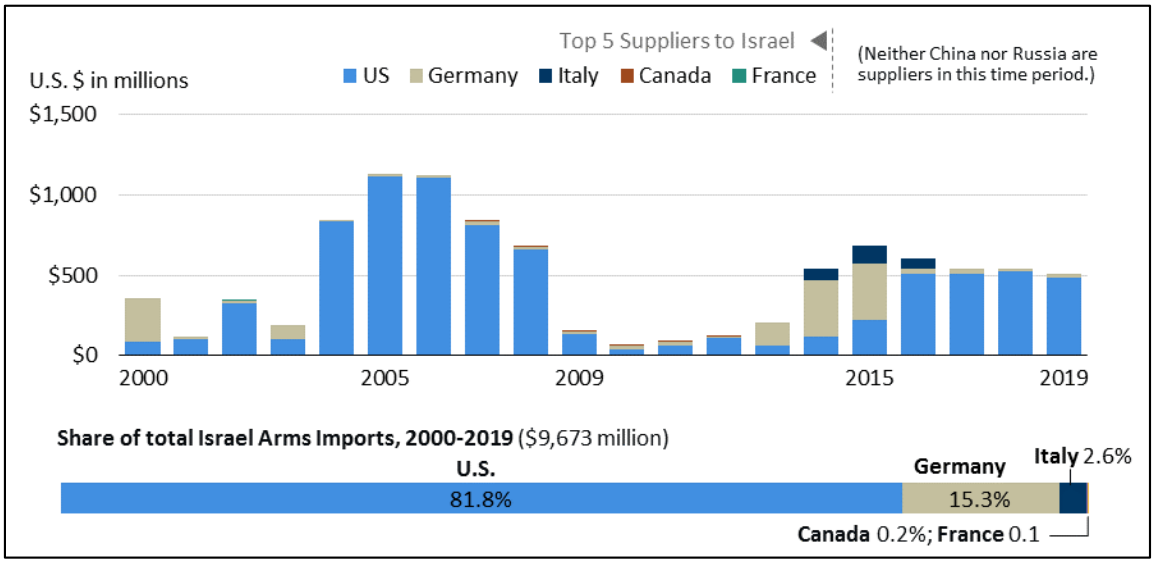
Israel

Citing concerns about alienating other Middle Eastern states and spurring a regional arms race, the United States was a limited arms supplier to Israel during its first two decades of existence.[73] Israel relied mostly on France for its heavy weaponry, but it also employed some U.S. weapons, including tanks.

It was not until Israel's victory against multiple Soviet-backed Arab states in the 1967 Six Day War that the United States began to reconsider the nature of its support. President Lyndon B. Johnson secured the sale of F-4 Phantom fighters to Israel in 1968, and the U.S. quadrupled its aid after the 1973 Yom Kippur War, during which the U.S. airlifted thousands of tons of defense equipment (including M60 tanks) to Israel. Some have traced U.S. support in part to the growing organization and effectiveness of U.S. domestic Israel advocacy groups starting in the 1970s.[74]

Figure 5. Arms Suppliers to Israel

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

Israeli military imports—particularly in the realm of fighter aircraft and missile/missile defense technology—remain almost exclusively American (see **Error! Reference source not found.**). U .S. arms exports, funded at least in part by large amounts of U.S. aid, help maintain Israel's military advantage over its neighbors (see "Israel's Qualitative Military Edge" below), a reflection of the depth and breadth of U.S.-Israel ties. Moreover, Israel in 2017 became the first country outside the United States to receive F-35s, which Israel has since reportedly used in

[73] See Dennis Ross, *Doomed to Succeed: The U.S.-Israel Relationship from Truman to Obama* (Farrar, Straus and Giroux, 2015), pp. 43-50.

[74] See, for example, Michael Oren, *Power, Faith, and Fantasy: America in the Middle East, 1776 to the Present* (Norton, 2007), p. 536.

airstrikes in Syria.[75] The probability of continued Israeli reliance on U.S. weapons and defense technology was demonstrated in the memorandum of understanding (MOU) the two countries concluded in September 2016. Under the terms of that MOU, which is the third between the two countries, the executive branch committed to request that Congress provide $38 billion in military aid over 10 years, from FY2019 to FY2028. (For more information on the MOU and its terms, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.) The U.S. was responsible for 78% of Israel's arms imports from 2015 through 2019, with Germany and Italy following behind.

Israel has an active and growing indigenous arms industry, the development of which has been subsidized in part by U.S. support. Since FY1984, Israel has been allowed to spend a portion of its U.S. Foreign Military Financing (FMF) assistance on arms produced by Israeli manufacturers (known as Off-Shore Procurement, or OSP).[76] Israel is unique in this regard—no other FMF recipient can use any of the FMF for domestic procurement.

Although breaking out the exact role of U.S. OSP funding in the development of the Israeli arms industry is difficult, Israel's defense contractors have become competitive with other global leaders: from 2015 to 2019, Israel was the world's 8th highest arms exporter, not far behind such traditional suppliers as the United Kingdom, supplying nations such as India, Azerbaijan, and Vietnam. Some observers have raised concerns, going back to the late 1970s, about possible Israeli violations of the conditions under which U.S. assistance is provided, including the potentially unauthorized retransfer of U.S.-provided weapons to third-party states.[77]

Israeli Arms at a Glance: Select Platforms and Procurements

Fixed-wing combat aircraft: 59 F-15s (US), 219 F-16s (US), 20 F-35s (US)

Fixed-wing transport aircraft: 7 C-130J-30s, 14 C-130s, 8 Boeing 707s (US)

Rotary-wing combat aircraft: 45 AH-64 Apaches (US)

Air defense: 4 Patriot batteries (US); 10 Iron Dome batteries (US/Israel), David's Sling (US/Israel, unknown number) Arrow I and Arrow II (US/Israel)

Navy: 5 submarines (Germany), 38 fast-attack craft (10 missile, 28 gun; Israel), 3 missile corvettes (US/Israel)

Artillery: 350 155 mm self-propelled howitzers (US)

Armored vehicles: 1,030 battle tanks (Israel/US), 385 Armored Personnel Carriers (APCs, US/Israel)

Total value of all Defense Security Cooperation Agency (DSCA) Foreign Military Sales (FMS) notifications since 2010: $9.6 billion

Top Five Suppliers, 2000-2019: United States (81.8%), Germany (15.3%), Italy (2.6%), Canada (0.2%), and France (0.1%).

Qatar

Located between its larger and more powerful neighbors Iran and Saudi Arabia, both of which have sought to exert significant influence over Qatar's regional relationships, Qatar has sought to solidify its relationship with the United States. According to one source,

[75] Yaakov Lappin, "Israeli F-35s to be declared operational in December," *IHS Jane's Defence Weekly*, June 22, 2017.

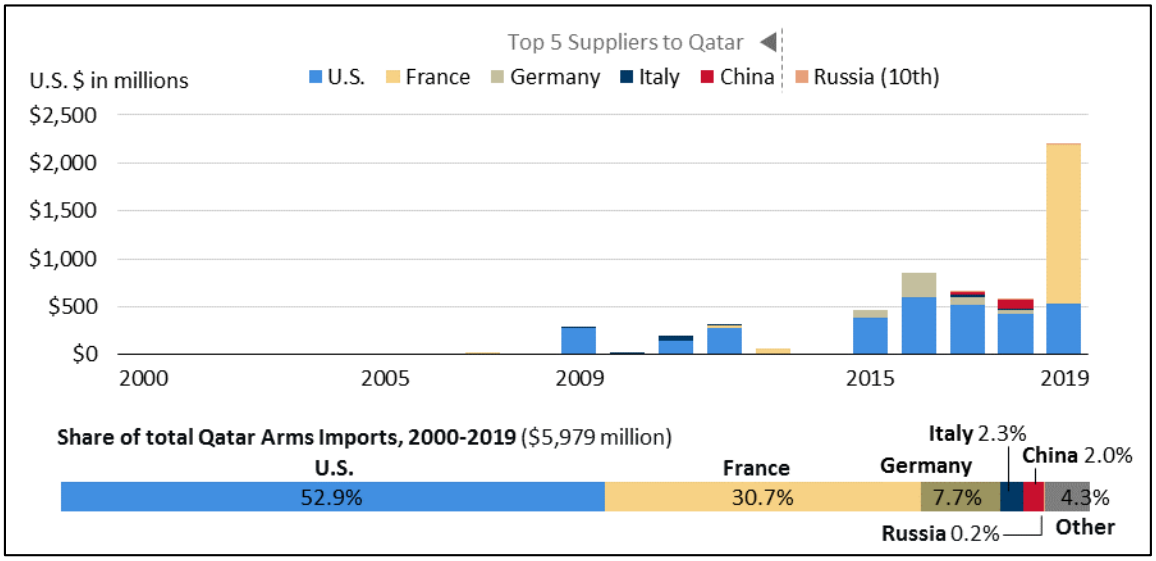
[76] See, for example, Department of Defense Office of the Inspector General Report No. 97-028, "Israeli Use of Offshore Procurement Funds," November 22, 1996, at http://www.dodig.mil/audit/reports/fy97/97-028.pdf. Under the terms of the MOU for U.S. military aid to Israel for FY2009-FY2018, that level was set at 26.3%, which is around $815 million of its FMF allocation of $3.1 billion. However, OSP will be phased out by FY2028 (with the phase-out beginning in FY2024) under the terms of the new MOU signed in September 2016. The September 2016 MOU reduces funding for OSP from $815 million in FY2019 to $450 million in FY2025 to $0 in FY2028. For more information, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.

[77] Duncan Clarke, "Israel's Unauthorized Arms Transfers," *Foreign Policy* 99, Summer 1995; Ila L. Hahn, "Managing U.S. Military Technology and Arms Release Policy to Israel," Air Command and Staff College Air University Maxwell Air Force Base, Alabama, April 2009. For more, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.

Qatar views U.S. support as "adequate compensation for appearing too close an ally to Washington."[78] Qatar has had a formal defense cooperation agreement with the United States since 1992; the agreement was renewed for 10 years in December 2013.[79] Qatar hosts the United States' 379th air expeditionary wing and a number of other U.S. and coalition assets at Al Udeid Air Base, including U.S. Central Command's (CENTCOM) Combined Air Operations Center.

Figure 6. Arms Suppliers to Qatar

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

Despite its small size and population, Qatar is increasingly recognized as an influential regional player, due in no small part to the growing array of military assets its considerable resource wealth allows it to obtain. France was traditionally Qatar's main arms provider, with hundreds of millions of dollars in weapons provided throughout the 1980s and 1990s. However, prior France-Qatar deals were surpassed and possibly superseded by a 2015 announcement that Qatar and the United States were proposing to enter into a transaction for up to 72 F-15QA aircraft worth over $21 billion; a letter of offer and acceptance for 36 jets, worth $12 billion, was signed in June 2017. The F-15QAs, in addition to 24 Eurofighter Typhoons (announced in December 2017, with deliveries expected in 2022) and 36 French Rafales (deliveries ongoing through 2022), are likely to dramatically boost Qatari air capabilities (see **Figure 6**). One analysis describes the boost as

[78] "Qatar- External Affairs," Jane's Sentinel Security Assessment – The Gulf States, August 7, 2017.

[79] Before the close U.S.-Qatar relationship developed, the two countries contended with one another in the late 1980s when Qatar rejected U.S. demands that it return Stinger missiles that it had obtained on the black market from Iran, which had in turn captured the missiles from anti-Soviet Afghan fighters transiting Iran. Qatar's desire for Stinger missiles reportedly stemmed from U.S. plans to sell the missiles to Bahrain, with which Qatar had a border dispute until 2001. Michael Wines and Doyle McManus, "Gulf State of Qatar Gets Missiles," *Los Angeles Times*, March 31, 1988; Elaine Sciolino, "Qatar Rejects U.S. Demand for Return of Illicit Stingers," *New York Times*, June 28, 1988. In response, Congress included in the FY1989 Foreign Operations appropriations bill (P.L. 100-461) a provision (§566(d)) banning any U.S. arms agreements with Qatar until the president notified relevant congressional committees that the missiles had been returned. That provision was repealed in the FY1991 measure (P.L. 101-513, § 568(b)), passed in late 1990 in the run up to the Gulf War.

"overdue and overambitious," given Qatar's evident intent to strike a course independent from its neighbors and the challenge that training and sustaining such a large force may present.[80]

Recent deals with Qatar are emblematic of another factor important to U.S. military operations: interoperability. Reportedly, one of the reasons Qatar wanted to buy U.S. fighters to partially replace its French-made Mirages, "was because they discovered how difficult it was for their existing fighter aircraft to fly with the U.S. air force as part of coalitions over Libya and Syria."[81]

Qatari Arms at a Glance: Select Platforms and Procurements

Fixed-wing combat aircraft: 9 Mirage 2000s (France), 23 Rafales (France)

Fixed-wing transport aircraft: 8 C-17As (US), 4 C-130J-30s (US)

Rotary-wing combat aircraft: 11 SA 342 Gazelles (international), 7 AH-64s (US)

Air defense: 10 Patriot PAC-3 batteries (US)

Navy: 7 fast-attack craft – missile (France, UK)

Artillery: 22 155 mm self-propelled howitzers (France)

Armored vehicles: 70 battle tanks (Germany, France), 188 APCs (US, France)

Total value of all DSCA FMS notifications since 2010: $47.9 billion

Top Five Suppliers, 2000-2019: United States (52.9%), France (30.7%), Germany (7.7%), Italy (2.3%), and China (2%).

Saudi Arabia

Saudi Arabia has been one of the largest purchasers of U.S. arms by value and volume, though decades of U.S.-Saudi weapons transactions have at times been accompanied by public controversy and vigorous congressional debate.

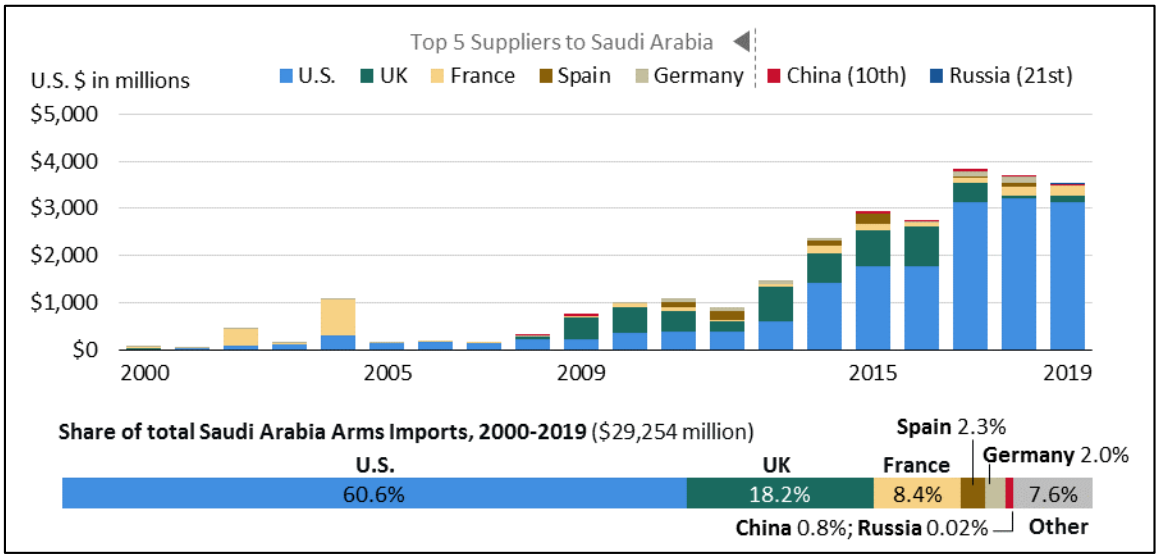
The Obama and Trump Administrations have notified Congress of proposed arms sales with a potential aggregate value of more than $120 billion from 2009 to the present, reflecting the putative importance of Saudi Arabia to U.S. strategy in the Middle East. The technologically advanced and often historic amounts of arms transfers both reflect and reinforce U.S.-Saudi ties. The relationship has been challenged by historic differences such as official Saudi animosity to Israel (which has declined somewhat); more recent tensions include U.S. concerns regarding Saudi domestic governance, actions with regard to international terrorism, and the kingdom's regional power projection (such as the war in Yemen).

[80] Qatar – Air Force, Jane's, last updated April 16, 2020.

[81] Andrew Exum, "What Progressives Miss About Arms Sales," *Atlantic*, May 23, 2017.

Figure 7. Arms Suppliers to Saudi Arabia

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

Though the United States remains Saudi Arabia's largest arms provider (see **Figure 7**), the kingdom has tried to diversify its arms sources, including through a concerted effort in recent years to expand its own defense industrial base. In May 2017, shortly before President Trump's visit, then-Deputy Crown Prince (and now Crown Prince) Mohammed bin Salman announced the creation of a government-owned company called Saudi Arabian Military Industries (SAMI) to manage production of air and land systems, weapons and missiles, and defense electronics (perhaps in imitation of the UAE's much more established state arms conglomerate, the Emirates Defense Industries Company or EDIC; more below). The establishment of SAMI represents a step toward the government's goal that 50% of Saudi military procurement spending be domestic by 2030.[82] Several parts of a potentially high-value package of arms sales announced during the President's May 2017 visit include arrangements for the actual production of certain items to be carried out in Saudi Arabia. For example, a $6 billion agreement between Lockheed Martin and the Saudi Technology Development and Investment

Saudi Arms at a Glance: Select Platforms and Procurements

Fixed-wing combat aircraft: 150 F-15s (US), 67 Tornados (Europe), 71 Typhoons (Europe)

Fixed-wing transport aircraft: 47 C-130s (US), 4 CN235s (Spain)

Rotary-wing combat aircraft: 47 AH-64 Apaches (US)

Air defense: Patriot PAC-2 (US)

Navy: 9 fast-attack craft (US), 7 frigates (France), 4 missile corvettes (US)

Artillery: 161 155 mm self-propelled howitzers (US)

Armored vehicles: 833 battle tanks (US), 1850 APCs (UK, France)

Total value of all DSCA FMS notifications since 2010: $133.9 billion

Top Five Suppliers, 2000-2019: United States (60.6%), U.K. (18.2%), France (8.4%), Spain (2.3%), and Germany (2%).

[82] Shuja al-Baqmi, "Saudi Arabia Launches 'SAMI' for Military Industries," *Asharq Al-Aqsat*, May 18, 2017.

Company (known by its Arabic acronym, TAQNIA) includes plans for the assembly of 150 Blackhawk helicopters in Saudi Arabia.[83]

U.S. reluctance or inability to share sensitive military technology has periodically opened opportunities for other suppliers like Russia, with which Saudi Arabia reportedly has engaged in talks regarding a potential purchase of the S-400 air defense system (see "CAATSA: Possible Sanctions on Purchasers of Russian Weapons," below). China has also contemplated greater arms sales to Saudi Arabia, partly a legacy of its reported covert ballistic missile sales to Saudi Arabia in the 1980s.[84] On a state visit to Beijing in March 2017, King Salman and President Xi Jinping signed a series of agreements worth $60 billion, including a deal to construct a Chinese factory in the kingdom that will manufacture military UAS for Saudi Arabia's expanding drone fleet.[85] Saudi Arabia has deployed armed Chinese-made drones in Yemen.

UAE

U.S. arms are central to the UAE's growing military capabilities (see **Figure 8**); major sales from the United States include the purchase of 80 F-16s in 2000 and an additional 30 in 2014.[86] Moreover, the UAE's purchase of the THAAD missile defense system, initially proposed in 2008 and approved in late 2011, represented the first sale of the system abroad. However, like its close ally Saudi Arabia, the UAE appears to be attempting both to diversify its sources of arms imports and build up domestic production capacity, partly in response to concerns about U.S. policy.

[83] "Saudi-US arms deal includes plans for 150 Lockheed Martin Black Hawk helicopters," *Arab News,* May 20, 2017.

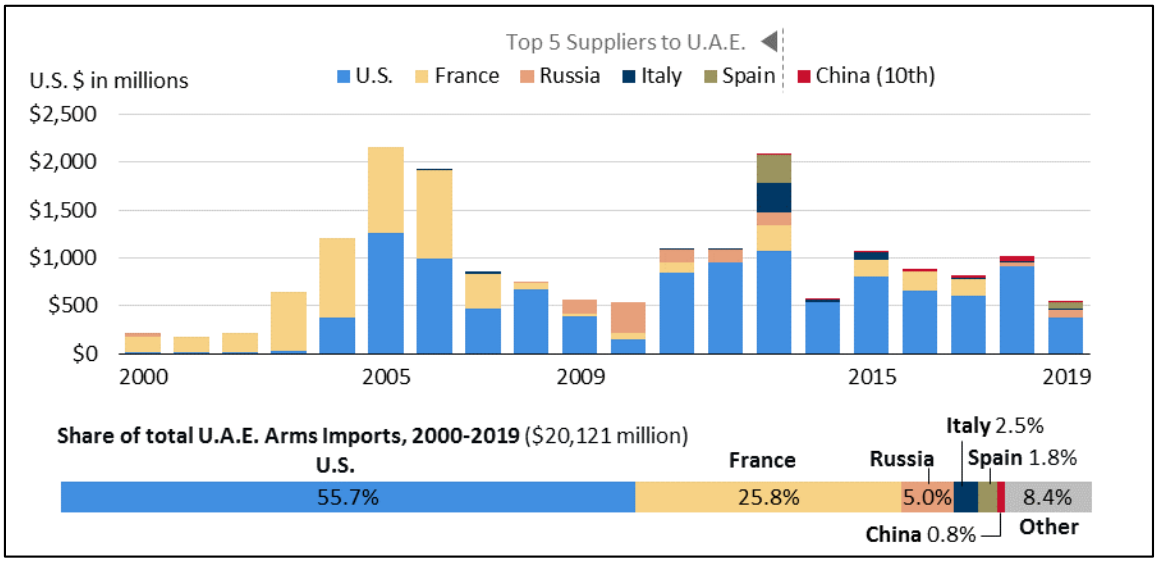
[84] Reportedly, China covertly sold ballistic missiles to Saudi Arabia in the 1980s. Richard Strauss, "Saudi Arabia's Chinese Missiles: Another Log on the Middle East Fire," *Los Angeles Times,* April 10, 1988.

[85] "China's Saudi drone factory compensates for US ban," *Middle East Eye*, March 29, 2017; Ian Armstrong, "What's Behind China's Big New Drone Deal?" *The Diplomat,* April 20, 2017.

[86] Wade Boese, "U.A.E. to Receive 80 F-16s With Features More Advanced Than Similar U.S. Jets," *Arms Control Today*, April 1, 2000; Rajiv Chandrasekaran, "In the UAE, the United States has a quiet, potent ally nicknamed 'Little Sparta," *Washington Post,* November 9, 2014.

Figure 8. Arms Suppliers to UAE

Value and Rank, by Supplier, 2000-2019



Source: Stockholm International Peace Research Institute (SIPRI), importer/exporter total trend-indicator value (TIV) tables. Figure created by CRS.

In response to previous U.S. reluctance to sell the UAE long-sought F-35s due to concerns about Israeli security,[87] the Emiratis evidently had started looking elsewhere, specifically Russia, for advanced combat aircraft. Media reporting indicates that the two nations signed an agreement in the spring of 2017 to develop a fifth-generation fighter jet, along with a separate purchase by the UAE of Russian Sukhoi Su-35 fighters.[88] Some speculated that the UAE's engagement with Russia was intended to gain U.S. concessions on F-35s or other possible transactions due to U.S. concerns regarding Russia-UAE arms dealings.[89] In November 2020, several months after Israel and the UAE announced an agreement to normalize their relations, the Trump Administration notified Congress of its intent to sell the UAE up to 50 F-35s, along with $10 billion in munitions (see "Israel's Qualitative Military Edge (QME)," below).

[87] Andrea Shalal-Esa and William Maclean, "Gulf buyers eye future purchases of Lockheed's F-35 jet," Reuters, November 21, 2013.

[88] Andrew O'Reilly, "Russian sale of fighter jets to UAE highlights shift toward Kremlin amid U.S. hesitancy," *Fox News*, March 2, 2017.

[89] Tony Osborne, "UAE Leaning to Russia Could Be Price of U.S. Arms Sale Inaction," *Aviation Week & Space Technology*, February 27, 2017.

UAE Arms at a Glance: Select Platforms and Procurements

Fixed-wing combat aircraft: 79 F-16s (US), 59 Mirage 2000s (France)

Fixed-wing transport aircraft: 8 C-130s (US), 7 CN235s (Spain), 8 C-17As (US)

Rotary-wing combat aircraft: 18 AS 550 Fennecs (Europe), 30 407 MRHs (U.S./Canada), 19 AH-64 Apaches (US), 12 AS 350s (France)

Air defense: 2 THAAD batteries (US)

Navy: 9 corvettes (Germany, UAE, Italy), 26 fast-attack craft (Germany, UAE)

Artillery: 165 155 mm self-propelled howitzers (US)

Armored vehicles: 502 battle tanks (France, Italy), 682 APCs (Turkey, France, Spain, Finland/Poland)

Total value of all DSCA FMS notifications since 2010: $23.7 billion

Top Five Suppliers, 2000-2019: United States (52.7%), France (25.8%), Russia (5%), Italy (2.5%), and Spain (1.8%).

In addition, after having been rebuffed in its attempts to purchase armed drones from the United States, the UAE reportedly purchased Chinese surveillance drones which it has outfitted with targeting systems and operated in Libya and Yemen.[90] In November 2020, alongside the F-35 notification, the Trump Administration formally proposed selling up to 18 MQ-9 Reaper drones to the UAE.

In terms of its indigenous arms industry, the UAE has been described as "the most promising of the Arab candidates seeking to gain emerging arms producer status."[91] Established in 2014 from the consolidation of a number of state-owned firms, the Emirates Defense Industries Company (EDIC) represents an attempt not just to become less reliant on foreign suppliers, but also to diversify the Emirates' still largely hydrocarbon-based economy. Some observers point out that "domestic demand and consumption will dominate the formative years of indigenous industrial development,"[92] but already EDIC has signed contracts with foreign customers from Algeria to Russia to Kuwait.[93] The use of UAE equipment, including locally made armored vehicles, assault rifles, and personnel carriers, has figured prominently in the Saudi-led coalition's war in Yemen. The UAE is also active in Libya, where it has reportedly operated drones and attack helicopters, perhaps in violation of a U.N. arms embargo.[94]

U.S. Policy and Potential Issues for Congress

The countries above and their respective approaches to arms acquisitions affect U.S. foreign policy objectives and congressional interests in multiple ways. This section outlines related issues that Congress may consider via the legislative process (including authorization and appropriations) and/or oversight.

Congressional Oversight: May 2019 Emergency Arms Sales

On May 24, 2019, the Trump Administration formally notified Congress of immediate foreign military sales and proposed export licenses for direct commercial sales of training, equipment, and weapons with a possible value of more than $8 billion, including sales of precision guided

[90] Jeremy Page and Paul Sonne, "Unable to Buy U.S. Military Drones, Allies Place Orders With China," *Wall Street Journal*, July 17, 2017; "How the UAE's Chinese-made drone is changing the war in Yemen," *Foreign Policy*, April 27, 2018.

[91] Florence Gaub and Zoe Stanley-Lockman, "Defence industries in Arab states: players and strategies," European Union Institute for Security Studies, Chaillot Paper No. 141, March 2017.

[92] Theodore Karasik and Adam Dempsey, "UAE Struggling to Build World Class Defense Industry?" Lexington Institute, April 26, 2017.

[93] Zoe Stanley-Lockman, "The UAE's Defense Horizons," Carnegie Endowment for International Peace, May 2, 2017.

[94] Aidan Lewis, "Covert Emirati support gave East Libyan air power key boost: U.N. report," Reuters, June 9, 2017.

munitions (PGMs) to Saudi Arabia and the UAE, and the transfer of PGMs by the UAE to Jordan. Other notified sales include F-15 Engines and Support for Saudi Arabia and Javelin Anti-Tank Missiles and Patriot Guidance Enhanced Missiles for the UAE.

In making the notifications, Secretary of State Michael Pompeo invoked emergency authority codified in sections 36(b)(l), 36(c)(2), 36(d)(2), and 3(d)(2) of the Arms Export Control Act (AECA), as amended (22 U.S.C. 2776). The AECA provides for 15- and 30-day congressional review periods for arms sales, leases, and transfers meeting specific value and recipient criteria.[95] However, if the President states in a formal notification to Congress that "an emergency exists" requiring the sale, export license, or technical assistance and manufacturing license of arms and related materiel, "in the national security interests of the United States," that notification waives the requirements for congressional review. The President is then free to proceed with the sale, export, or licensing. The President must provide Congress at the time of this notification a "detailed justification" for his/her determination. In at least five other cases, past Administrations have used AECA emergency authorities to immediately sell arms to foreign partners, at times generating debate in Congress over the cases in question and the broader availability and use of the authorities by the executive branch.[96]

The arms sales to Saudi Arabia, the UAE, and Jordan came amid heightened U.S.-Iranian tensions and renewed attacks by the Yemen-based Houthis against Saudi infrastructure.[97] In the justification for the use of emergency authority under the AECA, Secretary of State Pompeo wrote to Congress that

> Iranian malign activity poses a fundamental threat to the stability of the Middle East and to American security at home and abroad…. The rapidly evolving security situation in the region requires an accelerated delivery of certain capabilities to U.S. partners in the region…. Such transfers, whether provided via the Foreign Military Sales system, or through the licensing of Direct Commercial Sales, must occur as quickly as possible in order to deter further Iranian adventurism in the Gulf and throughout the Middle East.

Some Members expressed support for the proposed sales, while others reacted with statements of concern.[98]

On June 12, 2019, the House Foreign Affairs Committee held a hearing to examine the sales. In his opening statement, Chairman Eliot Engel described the invocation as "an abuse of authority" and an attempt by the Administration to "cut Congress out of the picture." He argued that the emergency described by the Administration was "phony," saying that

> ...a real emergency would require weapons that can be delivered immediately. If you need them right now you want weapons that can be delivered immediately, not months or even years from now as these do. A real emergency would require weapons that have already been built and are relevant to whatever the immediate threat is. A real emergency would

[95] For more background on congressional review procedures, see CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Paul K. Kerr and CRS In Focus IF11197, *U.S. Arms Sales and Human Rights: Legislative Basis and Frequently Asked Questions*, by Paul K. Kerr and Liana W. Rosen.

[96] The AECA emergency authority was invoked once by the Carter Administration, to sell arms to Saudi-backed North Yemen in 1979; once by the Reagan Administration, to sell missile systems to Saudi Arabia in 1984; twice by the George H. W. Bush Administration, first to sell tanks and aircraft to Saudi Arabia in 1990, then to sell a Patriot fire unit to Israel and repair parts and logistical support services to Saudi Arabia in 1991; and once by the George W. Bush Administration, to export Sentinel radar assemblies and related equipment to the U.S. Armed Forces in Kuwait in 2003.

[97] For more, see CRS In Focus IF11212, *U.S.-Iran Tensions Escalate*, by Kenneth Katzman.

[98] See, for example, Senator Tom Cotton, Senate debate, Congressional Record, vol. 165, No. 99 (June 13, 2019), pp. S3454-S3457.

> not justify building new factories in Saudi Arabia and the United Arab Emirates to manufacture weapons that have been built in the United States for years and years. A real emergency would not be followed by our Defense secretary telling us the threat has now diminished.[99]

The sole witness, Assistant Secretary of State for Political and Military Affairs R. Clarke Cooper, defended the emergency invocation in a number of ways. First, he pointed to various acts of aggression attributed, either directly or via its proxies, to Iran by the Administration, as well as an uptick in classified "threat streams" tracked by U.S. intelligence. Cooper also described as "equally important" the need to "[reassure] our partners that we have not abandoned them or that we have left them to carry the full load of responsibility in the region," citing various coproduction arrangements included in some of the emergency sales. Finally, Cooper implied that an informal hold placed in 2018 by Senator Robert Menendez on the notification of planned direct commercial sales to Saudi Arabia and the United Arab Emirates was partially responsible for the Administration choosing to invoke the emergency authority.[100] Under established inter-branch arrangements, the Trump Administration had respected Senator Menendez's objection and abstained from proceeding with the formal notification of the sales, which would have triggered a formal thirty day review period. Assistant Secretary Cooper argued that the Administration was no longer willing or able to do so, in part because, in its view: "the protracted process did contribute to the conditions that necessitated the emergency."

Some Members expressed skepticism of the Administration's explanation of the emergency invocation, and several Members asked the witness questions about the fact that some systems notified for sale in May 2019 might not be delivered for months if not years. According to a State Department Office of Inspector General (OIG) report obtained and made public by *Politico* in August 2020, the value of the $8.1 billion package is about evenly divided between direct commercial sales and foreign military sales (14 cases worth $4.2 billion and 8 cases worth $3.9 billion, respectively).[101] The OIG report states that, as of the time of its review, foreign partners had taken delivery of 4 of 22 cases (including precision-guided munitions), including $20 million of the $3.9 billion in potential foreign military sales. Furthermore, the OIG report relays an estimate from the State Department that delivery on 5 of 22 cases would not begin until 2020. The OIG also reports that Department staff first proposed invoking the emergency authority on April 3, 2020, in response to a directive from Secretary Pompeo to expedite arms transfers on which Members of Congress had placed informal holds (15 of 22 cases were under such holds).[102]

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[99] CQ Congressional Transcripts, "House Foreign Affairs Committee Holds Hearing on Emergency Arms Sales," June 12, 2019.

[100] See Senator Menendez Letter to Secretary of State Pompeo and Secretary of Defense James Mattis, June 28, 2018. Available at https://www.foreign.senate.gov/download/rm-letter-to-pompeo-mattis-uae-yemen.

[101] Jacqueline Feldscher and Nahal Toosi, "State Department did not consider civilian casualties when sending arms to Middle East, report finds," *Politico*, August 11, 2020. Report is available at https://www.politico.com/f/?id=00000173-df44-d479-af73-ff5e7dd00000.

[102] After President Trump removed State Department Inspector General Steve Linick from office on May 15, 2020, reports emerged that Linick had been looking into issues surrounding the May 2019 emergency determination. Press reports alleged that Linick's investigation suggested that Secretary Pompeo had "disregarded…high-level officials" in the Administration who advised against it. Lara Seligman, et. al., "Senior officials advised against emergency arms sales to Saudis," *Politico*, May 20, 2020. After a seven-hour interview with Linick on June 3, several House committee heads released a statement saying that Linick had testified that Secretary Pompeo had refused an interview with Linick about the case, and that Linick had faced inappropriate pressure to drop the investigation. U.S. House Committee on Foreign Affairs, Engel, Maloney, Menendez, Connolly & Castro Statement on IG Linick's Interview, June 3, 2020. In response, Secretary Pompeo called Linick a "bad actor" whose work did not improve the Department. Michelle Kelemen, "Ex-State Department Inspector General Says He Was Given No Valid Reason When Fired," NPR, June 10,

Legislative Responses. On June 5, 2019, a bipartisan group of seven senators introduced 22 separate Joint Resolutions of Disapproval against the sales. One cosponsor, Senator Lindsey Graham (R-SC), expressed in a statement his concern about "the precedent these arms sales would set by having the Administration go around legitimate concerns of Congress."[103] On June 20, the Senate passed three measures to disapprove of (a) the proposed coproduction and manufacture of Paveway PGMs in Saudi Arabia (S.J.Res. 36); (b) the sale of Paveway PGMs to Saudi Arabia (S.J.Res. 38); and (c) the other 20 sales notified on May 24 (20 resolutions en bloc) by margins of 53-45, 53-45, and 51-45, respectively. The House passed three of the resolutions on July 17; the three resolutions were vetoed on July 24 by President Trump, who cited the threat posed by Iranian support to Yemeni's Houthi movement and described Saudi Arabia and the UAE each as a "bulwark against the malign activities of Iran and its proxies in the region." A simple majority of Senators voted to override President Trump's vetoes on July 29, but the required two-thirds majority was not reached and the sales were able to proceed.

On June 18, the House voted to approve an amendment to the FY2020 Defense Appropriations Act (H.Amdt. 371 to Division C of H.R. 2740) to prohibit the use of funds made available by the Act for the issuance of export licenses for any defense article or service named in the 22 emergency sale notifications. The amendment was included in the House-passed version of the bill as Section 11005. That provision, however, was not included in the FY2020 Defense Appropriations Act signed into law in December 2019 (Division A of H.R. 1158).[104]

Beyond attempts to block the specific emergency sales notified in May 2019, some Members have considered and proposed changes to the underlying authority in the AECA. In the June 12, 2019, House Foreign Affairs Committee hearing, Chairman Engel suggested that Members "have to strongly consider changing the Arms Export Control Act's emergency provision."

In the Senate, Senator Menendez proposed an amendment to the FY2020 National Defense Authorization Act (S.Amdt. 295 to S. 1790) that would have changed the AECA's emergency provisions in several ways. First, emergency sales could only be made to NATO member states and five other close U.S. allies (including Israel), and could not be made to any countries engaged in significant transactions with the Russian defense sector. Second, the president would have to submit with the emergency determination a detailed explanation of how the waiver "directly responds to or addresses the circumstances of the emergency cited in the determination." Lastly, emergency sales would only be permitted if they "directly respond to or counter a physical security threat" and if 75% of the sale is delivered within two months of the determination.

Senator Menendez introduced another amendment (S.Amdt. 296) that would have immediately terminated all emergency determination-related arms sales to Saudi Arabia and the UAE, and amended the AECA in the same way as S.Amdt. 295. Neither measure was included in the final FY2020 NDAA, nor were similar measures included in the House- or Senate-passed version of the FY2021 NDAA. Senator Menendez also introduced the Saudi Arabia False Emergencies Act (or the SAFE Act, S. 1945), the text of which is identical to S.Amdt. 295 (except for the Russian defense sector-related provision) in June 2019; it was reported by the Senate Foreign Relations Committee, but no floor vote has been scheduled or held. House Rules Chairman Jim McGovern proposed an amendment to the FY2021 National Defense Authorization Act (House Rules

2020. Linick was succeeded by Stephen Akard, who himself resigned in August 2020, shortly before the OIG report mentioned above was transmitted to Congress; a temporary OIG, Matthew Klimow, was announced in September 2020.

[103] Joe Gould, "Graham, Menendez offer action to thwart Trump arms sales to Saudi, UAE and Jordan," *Defense News*, June 5, 2019.

[104] See Kylie Atwood, "Defense spending bill stripped of proposals that would have been tough on Saudi Arabia, sources say," CNN, December 13, 2019.

Committee Amendment 582) that would have limited the emergency authority to items delivered within two months and to items produced in the United States, but the amendment was not made in order for consideration on the floor.

Israel's Qualitative Military Edge (QME)

The term "qualitative military edge" (QME) was embraced by the Reagan Administration and its successors to refer to the advantage in military technology that Israel, with a smaller territory and population than some of its historical adversaries, seeks to maintain.[105] The concept stems from traditional security concerns about Israel's Arab neighbors, with whom Israel engaged in numerous conflicts over the course of several decades. No formal definition in law existed until lawmakers codified U.S. support for Israel's QME as U.S. policy in 2008 (P.L. 110-429, §201).[106] That legislation requires that any proposed U.S. arms sale to "any country in the Middle East other than Israel" must include a notification to Congress with a "determination that the sale or export of such would not adversely affect Israel's qualitative military edge over military threats to Israel." It defines QME as

> the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.

During its review of several planned sales over the years, Congress has considered Israeli concerns about arms transfers to some Arab states, including a 1981 sale of Airborne Warning and Control System (AWACS) surveillance planes (which ultimately occurred) and a 1986 effort to sell several classes of missiles, both to Saudi Arabia. Additionally, Israeli concerns over plans to sell certain precision-guided weapons to Saudi Arabia and other Persian Gulf states delayed a major arms sales package that the George W. Bush Administration contemplated in 2007.[107]

Israel views Iran as a top security challenge, a view shared by Saudi Arabia and other historic Israeli adversaries in the region. Still, concerns about Israeli security have influenced consideration of potential U.S. arms agreements in recent years. Some suggested that "Israel sought to leverage" a large sale of F-15s to Qatar in 2016 to boost the amount of military assistance it was negotiating with the United States.[108] The new U.S.-Israel 10-year memorandum of understanding (MOU) was signed in September 2016; the State Department formally notified Congress about the Qatar sale on November 17, 2016. In addition, the large package of arms sales

[105] In a 1981 statement for the record in response to questions from the House Appropriations Subcommittee on Foreign Operations Appropriations, then-Secretary of State Alexander Haig said, "A central aspect of US policy since the October 1973 war has been to ensure that Israel maintains a qualitative military edge." Secretary of State Al Haig, Statement for the Record submitted in response to Question from Hon. Clarence Long, House Appropriations Subcommittee on Foreign Operations Appropriations, April 28, 1981.

[106] Some have argued that the lack of a legal definition and "ambiguity on the part of multiple U.S. administrations" may have been intentional." William Wunderle and Andre Briere, "U.S. Foreign Policy and Israel's Qualitative Military Edge: The Need for a Common Vision," Washington Institute for Near East Policy, January 2008.

[107] David S. Cloud and Helene Cooper, "Israel's Protests Are Said to Stall Gulf Arms Sale," *New York Times*, April 5, 2007.

[108] Julian Pecquet, "Will Congress pick Qatar over Israel?" *Al-Monitor Congress Pulse*, March 10, 2016. Then-Senate Foreign Relations Committee Chairman Bob Corker stated in July 2016 that "when the [long-term] MOU [for U.S. aid to Israel] is completed, hopefully as part of that, or shortly thereafter, these sales [to Qatar] will be completed."

to Saudi Arabia announced during President Trump's May 2017 visit to the kingdom reportedly raised Israeli anxieties, with advocacy groups voicing concern and several ministers suggesting that the United States did not consult with Israel in advance.[109] Still, opposition to the Saudi proposal appeared muted in comparison to similar packages proposed in the past.[110]

The August 2020 announcement that Israel and the UAE have agreed to normalize relations, followed by the September 2020 normalization of relations between Israel and Bahrain, has implications for Israel's QME and its impact on future U.S. arms transfers. Media reports indicate that the United States, as part of negotiations over Israeli-UAE normalization, supported the sale of a number of technologically advanced platforms to the UAE, most notably the F-35 but also armed MQ-9 Reaper drones and EA-18G Growler jets.[111] The UAE Minister of State for Foreign Affairs said that the UAE's desire for F-35s preceded the agreement with Israel by many years and that, "We ought to get them…. And now the whole idea of, you know, a state of belligerency or war with Israel will no longer exist. So I think it should be…easier."[112] Israeli Prime Minister Binyamin Netanyahu denied reports that he had agreed not to oppose a U.S-UAE arms sale. Despite continuing debate within Israel regarding such a sale in the context of the QME issue, Netanyahu and Defense Minister Benny Gantz issued a joint statement in October 2020, stating, "Since the U.S. is upgrading Israel's military capability and is maintaining Israel's qualitative military edge, Israel will not oppose the sale of these systems [F-35 and others] to the UAE."[113] On November 10, 2020, the State Department formally notified Congress of the Administration's intention to sell up to 50 F-35s, along with 18 MQ-9 drones and $10 billion in munitions, to the UAE.

Some who welcome the normalization of Israel-UAE ties have cautioned against the U.S. selling F-35s to the UAE, warning that circumstances and regional dynamics can change, giving friends-turned-adversaries access to advanced weaponry.[114] Others emphasize the risk that further dissemination of sensitive U.S. technology increases the odds of it falling into the wrong hands.[115] For its part, Israel may conclude that it is a price worth paying for normalization and greater ties with erstwhile regional foes.[116]

Given the precedent that the UAE acquiring the F-35 could set, potential implications also exist for other regional states, including those that have some discreet ties with Israel. Such a precedent could alter those states' calculations regarding their own relations with Israel and their defense relationships with the United States.[117] Some Members of Congress have already spoken out against the sale, with one writing that, "a more militarized region is not safer for Israel or for U.S.

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[109] "Congress Must Examine Impact of Saudi Arms Sale," American Israel Public Affairs Committee, May 30, 2017; Barbara Opall-Rome, "US mega-deal to Saudi Arabia spurs concern in Israel." *Defense News,* May 21, 2017.

[110] Ron Kampeas, "Why are Israel, allies keeping mum on $110 billion US-Saudi Arms Deal?" *Jerusalem Post,* June 2, 2017.

[111] Mark Mazetti, et al., "Netanhayu Privately Condoned U.S. Plan to Sell Arms to U.A.E., Officials Say," *New York Times,* September 3, 2020.

[112] Transcript: A Conversation with H.E. Anwar Gargash, UAE Minister of State for Foreign Affairs, Atlantic Council, August 20, 2020.

[113] "Israel will not Oppose U.S. Sale of F-35 to UAE," Reuters, October 23, 2020.

[114] "How an overpriced warplane complicates diplomacy in the Middle East," *Economist,* September 12, 2020.

[115] Ruth Eglash and Karen De Young, "Peace deal or arms race? Proposed sale of F-35 jets to UAE prompts fears in Israel," *Washington Post,* September 15, 2020.

[116] "How an overpriced warplane complicates diplomacy in the Middle East," op. cit.

[117] Barbara Leaf and Dana Stroul, "The F-35 Triangle: America, Israel, the United Arab Emirates," *War on the Rocks,* September 15, 2020.

interests" and that, "Normalization with Israel cannot be a *quid pro quo* for access to advanced weapons."[118] Some Members have also introduced legislation that would require the Administration to submit certain reports or certifications related to Israel's QME before selling the F-35 to Middle Eastern states (see H.R. 8707 and S. 4814).

It is unclear what additional weaponry, materiel, or security guarantees Israel might seek as "compensation" or in exchange for its acquiesce to a U.S.-UAE deal on F-35s.[119] Agreement on a potential sale could take months or even years, with delivery taking even longer. For more, see CRS Report R46580, *Israel's Qualitative Military Edge and Possible U.S. Arms Sales to the United Arab Emirates*, coordinated by Jeremy M. Sharp and Jim Zanotti.

Saudi-led Coalition Operations in Yemen and Civilian Casualties

Since March 2015, Saudi Arabia has led a coalition of partners in prosecuting a military campaign in Yemen to reverse the ouster of Yemen's transitional government by the Ansar Allah movement (aka the Houthis). After five years, the conflict continues in some areas, including in and around the northern port of Hudaydah—the country's lifeline for food and fuel imports. According to the Yemen Data Project, a non-governmental organization that compiles public reporting about the conflict in Yemen, Saudi and coalition airstrikes increased in frequency in early 2020 to a two year-high in June.[120] Civilian casualties in the conflict were highest in 2015, and continue to occur in connection with indiscriminate fire by Houthi forces, shelling by government of Yemen and allied local forces, and, to a less frequent extent, Saudi and coalition airstrikes.

From 2015 onward, the number of Members of Congress expressing alarm increased as Saudi and coalition airstrikes killed and injured Yemeni civilians and damaged civilian infrastructure. The Royal Saudi Air Force and its coalition partners reportedly use U.S.-origin and European-origin strike aircraft and air-to-ground munitions in many of their operations in Yemen. Some reports have documented the use of U.S.-origin munitions in strikes that have killed and injured civilians.[121] Saudi officials have acknowledged shortcomings in their operations, and report that they have adapted their tactics and operations for the express purpose of reducing civilian harm. They place most of the blame for reported civilian deaths and difficult humanitarian conditions on the activities of and threats posed by their adversaries.[122]

Congress has taken several steps in recent years to exercise additional oversight of the Saudi military's use of U.S.-origin air-to-ground munitions and other weapons in Yemen and to reject proposed sales of additional U.S. munitions and other arms to the Saudi military.[123] President Trump has vetoed joint resolutions of disapproval, allowing arms sales to continue.

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[118] Debbie Wasserman Schultz, "Trump puts Israel's security in danger with deal to sell fighter jets to United Arab Emirates," *Miami Herald*, September 5, 2020.

[119] Nahum Barnea, "Israel to demand U.S. compensation over UAE warplanes sale," Ynet, September 6, 2020.

[120] Yemen Data Project, Airraids Timeline per Month, accessed November 2020.

[121] For example, see Nima Elbagir, Salma Abdelaziz & Laura Smith-Spark, "Made in America—Shrapnel Found in Yemen Ties US bombs to String of Civilian Deaths over Course of Bloody Civil War," *CNN*, Sept. 18, 2018. Also, see Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014, Report of the Detailed Findings of the Group of Eminent International and Regional Experts on Yemen, A/HRC/42/CRP.1, September 3, 2019.

[122] See, for example, Remarks of Saudi Minister of State for Foreign Affairs Adel al Jubeir, Council on Foreign Relations, New York, NY, September 24, 2019.

[123] CRS Report R45046, *Congress and the War in Yemen: Oversight and Legislation 2015-2020*, reviews these steps in detail.

In testimony before Congress, State Department and Defense Department officials have acknowledged the occurrence of civilian casualties in Saudi and coalition airstrikes, while reiterating that the United States has provided the Saudi-led coalition with training on targeting, and has provided mentoring and advice on best practices to reduce civilian casualties.[124] The Trump Administration has argued that the supply to Saudi Arabia of more precise air-to-ground munitions contributes to fewer civilian casualties than otherwise might occur. Prior to ending U.S. refueling for Saudi and coalition aircraft operating over Yemen in November 2018, Administration officials argued that such support improved the ability of partner forces to conduct reconnaissance and avoid errant strikes.[125]

Questions Regarding Use of U.S. Arms

Since the start of the Saudi-led coalition intervention in Yemen in 2015, journalists, human rights monitors, legal scholars, and some lawmakers have reported that the use of U.S.-supplied military equipment by Saudi Arabia and the UAE may be in violation of specific provisions in the AECA and the Foreign Assistance Act (FAA).[126] The AECA and FAA prohibit the sale or delivery of U.S.-origin defense articles if either the President (by determining such and reporting to Congress) or Congress (by passing a joint resolution) finds that a recipient country has used such articles "for a purpose not authorized." Authorized purposes include internal security, legitimate self-defense, impeding weapons of mass destruction proliferation, and participation in collective measures requested by the United Nations or comparable organizations.[127]

Legal arguments regarding violations of U.S. law have centered on the idea that, while Saudi Arabia and the internationally recognized government of Yemen have a right to collective self-defense,[128] the use of force applied in self-defense must be both "necessary" and "proportionate."[129] In the case of Yemen, some scholars have argued that indiscriminate targeting of civilians serves no lawful military purpose and does not deter threats, and therefore fails to meet the legal threshold of necessity and proportionality.[130] Saudi officials dispute allegations that their targeting is indiscriminate.

End-Use Monitoring (EUM)

Congress has long taken an interest in ensuring that arms sold to foreign countries are used responsibly and for the purposes agreed as part of their sale (a legal requirement for certification

[124] See, for example, Testimony of R. Clarke Cooper, Assistant Secretary Of State, Political-Military Affairs, House Foreign Affairs Committee, June 12, 2019.

[125] Ibid.

[126] See, for example, Michael Pates and Brittany Benowitz, "An Assessment of the Legality of Arms Sales to the Kingdom of Saudi Arabia in the Context of the Conflict in Yemen," *American Bar Association*, May 19, 2017. Those prohibitions include Section 4, AECA (22 U.S.C. 2754), Section 502, FAA (22 U.S.C. 2302), and other limitations contained in an agreement with the United States governing the articles' provision (Section 3(c)(1)(B), AECA (22 U.S.C. 2753(c)(1)(B), and Section 505(d), FAA (22 U.S.C. 2314(d)).

[127] Section 4, AECA, and Section 502, FAA, state that defense articles may be sold only for certain purposes.

[128] In 2015, President Hadi requested international assistance from the Gulf Cooperation Council (GCC) to defend his government against attacks by the Houthis. See, President Hadi correspondence with GCC governments printed in U.N. Document S/2015/217, "Identical letters dated 26 March 2015 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of Security Council," March 27, 2015.

[129] Oona A. Hathaway, Aaron Haviland, Srinath Reddy Kethireddy, and Alyssa T. Yamamoto, " Yemen: Is the U.S. Breaking the Law?" *Harvard National Security Journal* / Vol. 10, 2019.

[130] op.cit., *American Bar Association*.

that goes back to the 1960s). In 1996, Congress amended the AECA to include Section 40A (P.L. 104-164), which directs the President to "establish a program that provides for end-use monitoring in order to improve accountability with respect to defense articles sold, leased, or exported under the AECA or FAA."[131] The goals of end-use monitoring include preserving U.S. technological superiority by impeding adversaries' access to sensitive items and ensuring that arms are used solely by the intended recipients based on the terms under which the sale is made. In addition, as part of the standard terms and conditions of a letter of agreement (LOA), the recipient country agrees to "permit observation and review by ... representatives of the U.S. Government with regards to the use of such articles."[132]

End-use monitoring has been an important consideration in evaluating arms sales to Iraq, as Members of Congress try to balance the Iraqi government's need for weapons to use against the Islamic State and other threats with the potential for those arms to fall into the wrong hands, including the very groups their use is intended to combat. In February 2018, the Lead Inspector General for Overseas Contingency Operations reported that DOD officials had "acknowledged that some U.S.-provided military equipment sent to support the mission, including as many as nine M1 Abrams tanks, had fallen into the hands of Iranian-backed militias that fought against ISIS in Iraq." The report stated that the State Department "pressed the Iraqi government to prioritize the return of defense articles provided by the United States," and the articles were later returned to Iraqi military custody "as designated in the sale agreements."[133]

Nevertheless, challenges remain in tracking the whereabouts of U.S. arms in a country that has received tens of billions of dollars' worth of U.S. weapons and training in the past decade alone.[134] In May 2017, Amnesty International obtained (via a Freedom of Information Act request) and released a September 2016 DOD audit that determined that the Army "did not have effective controls" to track equipment transfers provided to Iraqi forces through the Iraq Train and Equip Fund (ITEF). The audit characterized the Army's recordkeeping as inconsistent, out of date, and prone to human error.[135] A DOD spokeswoman stated, "The bottom line is that the US military does not have a means to track equipment that has been taken from the Government of Iraq by ISIL."[136] The implications for these sales under the AECA are unclear. The DOD spokeswoman cited above explained the situation by saying that "the current conflict in Iraq limits some aspects of ... monitoring activities, including travel to many areas of Iraq and access

[131] Arms sales are subject to two EUM programs: the State Department's Blue Lantern program (for DCS) and DOD's Golden Sentry program (for FMS). Since 1996, the Department of State has been required, by Section 40A(c) of the AECA, to submit a yearly report summarizing the activities of both programs during the previous fiscal year as part of the department's annual budget justification.

[132] Derek Gilman, "Foreign Military Sales," Defense Security Cooperation Agency, September 30, 2014, at http://www.dsca.mil/sites/default/files/final-fms-dcs_30_sep.pdf.

[133] Lead Inspector General for Overseas Contingency Operations, Report to the United States Congress, October 1, 2017-December 31, 2017. Released February 2, 2018.

[134] In 2007, GAO reported a "discrepancy of at least 190,000 weapons" between what U.S.-led coalition forces reported issuing to Iraqi forces and what was on the property books, including 110,000 AK-47s. Government Accountability Office Report to Congressional Committees, "DOD Cannot Ensure That U.S.-Funded Equipment Has Reached Iraqi Security Forces," July 2007, at http://www.gao.gov/assets/270/264918.pdf.

[135] "Iraq: US military admits failures to monitor over $1 billion worth of arms transfers," Amnesty International, May 24, 2017. This conclusion was echoed in a May 2017 GAO report that found that the Pentagon has only "limited visibility and accountability over equipment funded by" ITEF. "DOD Needs to Improve Visibility and Accountability Over Equipment Provided to Iraq's Security Forces," Government Accountability Office, May 25, 2017.

[136] Max Rosenthal, "The Pentagon Has No Clue How Many Weapons It Has Lost to ISIS," *Mother Jones*, January 22, 2016.

to Iraqi units in combat areas, as well as combat use, damage and losses of war material."[137] A DOD Inspector General audit released in February 2020 found similar deficiencies in tracking and storing hundreds of millions of dollars' worth of U.S. equipment intended for partner forces in Syria.[138]

End-use monitoring is an important part of ensuring that recipient governments in the Middle East adhere to human rights standards. In April 2016, the Government Accountability Office (GAO) published a report that recommended "strengthening" end-use monitoring of military equipment sold to Egypt, citing the Egyptian government's failure to admit U.S. officials to storage sites and other issues.[139] Similar GAO reports have been published on aid to Lebanon (February 2014)[140] and GCC countries (November 2011).[141] Common recommendations across these reports include

- greater coordination between the Departments of State and Defense (which operate two different EUM programs),[142]
- more comprehensive vetting of recipients of security assistance, and
- the development of guidance (by both departments) establishing procedures for documenting end-use monitoring efforts and violations thereof.

Members of Congress may consider whether existing EUM frameworks are sufficient, and whether additional authorities, appropriations, or other legislative directives might support, streamline, or otherwise strengthen these efforts.

Possible Illegal Transfer of U.S. Weaponry in Yemen

Congress has long taken an interest in ensuring that arms sold to foreign countries are used responsibly and for the purposes agreed on as part of their sale.[143] In February 2019, *CNN* reported that Saudi Arabia and the UAE had provided U.S. armored vehicles to local Yemeni units fighting the Houthis in possible violation of end-user provisions in foreign military sale or direct commercial sale agreements.[144] The coalition denied that the items had left their control, citing command arrangements (see below), while the State Department said that it was "seeking additional information" on the issue. In Senate and House hearings in early February 2019, some

[137] Ibid.

[138] DOD Inspector General, Results in Brief - Audit of the DoD's Accountability of Counter-Islamic State of Iraq and Syria Train and Equip Fund Equipment Designated for Syria, February 13, 2020.

[139] "Security Assistance: U.S. Government Should Strengthen End-Use Monitoring and Human Rights Vetting for Egypt," Government Accountability Office, April 12, 2016, at http://www.gao.gov/assets/680/676503.pdf.

[140] "DOD and State Need to Address Gaps in Monitoring of Security Equipment Transferred to Lebanon," Government Accountability Office, February 26, 2014, at https://www.gao.gov/assets/670/661161.pdf.

[141] "Persian Gulf: Implementation Gaps Limit the Effectiveness of End-Use Monitoring and Human Rights Vetting for U.S. Military Equipment," Government Accountability Office, November 17, 2011, at https://www.gao.gov/assets/590/586356.pdf.

[142] DOD's Defense Security Cooperation Agency manages the department's Golden Sentry EUM program for defense articles sold via FMS. The State Department's Directorate of Defense Trade Controls coordinates the Blue Lantern program, which performs an analogous function for items sold via DCS.

[143] See CRS Report R44984, *Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy*, by Clayton Thomas.

[144] Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit and Laura Smith-Spark, "Sold to an Ally, Lost to an Enemy," CNN.com, February 2019. Available at https://www.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/.

Members expressed concern about end-use monitoring of equipment provided to the coalition.[145] In October 2019, *CNN* published another article alleging that the UAE had illegally transferred U.S.-made Mine-Resistant Ambush Protected (MRAP) vehicles to the separatist Southern Transitional Council (STC).[146] A third piece, published a month later by *CNN*, which depicted video footage of MRAPs being offloaded in Aden, elicited a response from an unnamed State Department official who remarked that "there is currently no U.S. prohibition on the use of U.S.-origin MRAPs by Gulf coalition forces in Yemen."[147]

Per Section §3(a) of the Arms Export Control Act (AECA - 22 U.S. Code §2753) and Section 505(e) of the Foreign Assistance Act (22 U.S. Code §2314), the U.S. government must review and approve any transfer of U.S.-origin equipment from a recipient to a third party that was not authorized in the original acquisition.[148] Third Party Transfer (TPT) is the retransfer of title, physical possession or control of defense articles from the authorized recipient to any person or organization that is not an employee, officer or agent of that recipient country.[149]

For lawmakers, the definition of the "end-user" is at issue in Yemen. Saudi Arabia and the UAE claim that U.S.-purchased weapons used in Yemen have remained in their control in accordance with U.S. law and relevant bilateral agreements. According to Saudi-led coalition spokesperson Col. Turki Al Maliki, "the information that the military equipment will be delivered to a third party is unfounded…. all military equipment is used by Saudi forces in accordance with term and conditions of Foreign Military Sales (FMS) adopted by the US government and in pursuance of the Arms Export Control Act."[150]

Several Members of Congress have followed up on CNN's investigations with legislative inquiries. Senator Elizabeth Warren has sent several letters to the Secretary of Defense and Secretary of State requesting information regarding the reported transfer of American weapons from the Saudi-led coalition to armed Yemeni militias, such as the STC.[151] In September 2019, the Senate Appropriations Committee adopted an amendment by voice vote and incorporated it into Section 9018 of S. 2474, the Department of Defense Appropriations Act, 2020, which would have prohibited the use of defense funds to support the Saudi-led coalition air campaign in Yemen until the Secretary of Defense certifies that the Saudi-led coalition is in "compliance with end-use agreements related to sales of United States weapons and defense articles." Additionally, it would have prohibited the use of defense funds until the Secretary submits to Congress any written findings of "any internal Department of Defense investigation into unauthorized third-party transfers of United States weapons and defense articles in Yemen and has taken corrective action

[145] "Hearing to Receive Testimony on the United States Central Command in Review of the Defense Authorization Request for Fiscal Year 2020 and the Future Years Defense Program," Senate Armed Services Committee, February 5, 2019; "Hearing on U.S. Policy in the Arabian Peninsula," House Foreign Affairs Committee, February 6, 2019.

[146] Nima Elbagir, Mohamed Abo El Gheit, Florence Davey-Attlee, and Salma Abdelaziz, "American Weapons Ended up in the Wrong Hands in Yemen. Now they're Being Turned on the US-Backed Government," CNN.com, October 20, 2019.

[147] Nima Elbagir, Salma Abdelaziz, Mohamed Abo El Gheit, Florence Davey-Attlee and Ed Upright, "Under Shroud of Secrecy US Weapons Arrive in Yemen Despite Congressional Outrage," CNN.com, November 7, 2019.

[148] See, U.S. State Department, Third Party Transfer Process and Documentation, Bureau of Political-Military Affairs, December 17, 2018.

[149] See, Defense Institute of Security Cooperation Studies, "The Management of Security Cooperation (Green Book)," Edition 39, January 2019.

[150] op.cit., CNN, November 7, 2019.

[151] Warren Calls on DoD and State to Respond to Reports that American Military Weapons Have Been Transferred to Suspected Terrorists and Separatist Militias in Yemen, October 23, 2019.

as a result of any such investigation." P.L. 116-93, the Consolidated Appropriations Act, 2020, which incorporated S. 2474, did not include Section 9018.

In May 2020, CNN again revealed that the State and Defense departments had cleared the UAE in their investigation into the possible illegal transfer of U.S. equipment, adding that the "State Department has told some leaders in Congress that it is 'satisfied no actual transfers were made.'"[152]

Providing Weaponry to Governments Suspected of Human Rights Violations

Many Members of Congress take an interest in trying to ensure respect for human rights around the world, especially in countries that maintain close relations with the United States and over which the United States arguably has a degree of influence through its provision of arms or other services for purposes of building partner capacity (BPC).[153] However, this interest has also been observed to create tension between a desire to support the rule of law and personal freedoms in various countries and the security implications of potentially harming cooperation with partner governments. At a March 2017 Senate Armed Services Committee hearing, CENTCOM Commander General Joseph L. Votel said,

> [i]n recent years we have seen an increase in restrictions placed on assistance provided to partner nations, limiting their ability to acquire U.S. equipment based on human rights and/or political oppression of minority groups. While these are significant challenges that must be addressed, the use of FMF and FMS [Foreign Military Sales] as a mechanism to achieve changes in behavior has questionable effectiveness and can have unintended consequences.... We should avoid using the programs as a lever of influence or denial to our own detriment.[154]

This tension, typically framed as one between values and security, or as one between different types of security, often plays out in the Middle East, and arms sales are a critical part of the equation.

Bahrain has been a prominent setting for this debate. The United States has maintained a naval command in Bahrain for decades, even before the small Gulf kingdom's independence in 1971. The two nations signed a Defense Cooperation Agreement (DCA) in 1991, and President George W. Bush designated Bahrain a "major non-NATO ally" in March 2002.[155] However, concerns

[152] Nima Elbagir, Alison Main, Salma Abdelaziz, Laura Smith-Spark and Jennifer Hansler, "The US Cleared the Way for a New Arms Sale to the UAE, Despite Evidence it Violated the Last One," *CNN*, May 22, 2020.

[153] For more on BPC, see CRS Report R44313, *What Is "Building Partner Capacity?" Issues for Congress*, coordinated by Kathleen J. McInnis. BPC was first coined in the 2006 Quadrennial Defense Review (QDR), one of several documents that guide U.S. policy on arms sales. Another is PPD-27, a Presidential Decision Directive issued by President Obama in 2014 that replaced a previous classified version announced by the Clinton Administration in 1995. "Presidential Policy Directive- United States Conventional Arms Transfer Policy," The White House, January 15, 2014, at https://fas.org/irp/offdocs/ppd/ppd-27.html. PPD-27 adds to the original 1995 list two criteria to be taken into account when making arms transfer decisions, one of which is the "likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international law." PDD-27 adds an unqualified prohibition (absent in the 1995 policy) against the United States authorizing the transfer of arms if it "has actual knowledge at the time of authorization that the transferred arms will be used to commit ... genocide, crimes against humanity," or a number of other war crimes.

[154] Statement of General Joseph L. Votel, Commander, U.S. Central Command, Before the Senate Armed Services Committee, March 9, 2017, at https://www.armed-services.senate.gov/imo/media/doc/Votel_03-09-17.pdf.

[155] Other major non-NATO allies in the region include Egypt, Jordan, Kuwait, and Morocco; these and other designated

over the Bahraini government's response to a protest movement that emerged in February 2011 have complicated the relationship. Bahrain's governing elite (dominated by minority Sunnis and led by the ruling Al Khalifa family) is accused of widespread human rights violations against the Shiite majority.[156]

In early 2016, Bahrain submitted a request to purchase a number of F-16s and to upgrade its existing aircraft in a deal worth as much as $4 billion. However, when the Obama Administration informally pre-notified the sale to Congress, it explained that the sale would not move forward unless Bahrain took steps toward improving its record on human rights.[157] The Trump Administration dropped those conditions in March 2017, even though U.N. investigators have asserted a "sharp deterioration" of human rights over the past year in Bahrain.[158] Congress was formally notified of the sale in September 2017. In his above-referenced March 2017 committee testimony, General Votel explicitly mentioned the case of Bahrain. He said that "the slow progress on key FMS cases, specifically additional F-16 aircraft and upgrades to Bahrain's existing F-16 fleet, due to concerns of potential human rights abuses in the country, continues to strain our relationship."[159]

Critics of the sale have argued that the Bahrain Defense Force (which largely excludes Shiites in favor of non-Bahraini Sunnis) itself contributes to instability in the country, and that the condition-free provision of U.S. weapons only exacerbates the problem.[160] In the 114th Congress, legislation was introduced (H.R. 3445 and S. 2009) to prohibit the transfer of weapons that could be used for crowd control purposes, including small arms, ammunition, and Humvees, unless the State Department could certify that the government had implemented all recommendations made by the report of the government-established Bahrain Independent Commission of Inquiry (BICI).[161]

Egypt is another example of the challenging dynamics around human rights. Congress, for its part, has sought to tie arms transfers to Egypt's adherence to certain democratic and human rights standards. Since FY2012, enacted appropriations measures have included language withholding certain portions of Egypt's FMF allotment unless the executive branch can certify Egypt's progress on various metrics related to human rights.[162] Other than in FY2014, these measures have authorized the executive branch to waive such restrictions on national security grounds, and successive Secretaries of State have routinely exercised these waiver authorities. President Trump reduced the FY2017 FMF obligation to Egypt by $65.7 million as a result of Egypt's ongoing relationship with the Democratic People's Republic of Korea and its enactment of a law restricting non-governmental organizations (NGOs).

major non-NATO allies receive a number of benefits, including preferential treatment for U.S. arms exports.

[156] See, for example, "Bahrain 2016 Human Rights Report," State Department Country Reports on Human Rights Practices for 2016, at https://www.state.gov/documents/organization/265704.pdf.

[157] Anthony Capaccio, "Bahrain's Lockheed F-16 Buy Said to Come With U.S. Strings," *Bloomberg*, September 30, 2016. The concerns reportedly included imprisoned activists and shuttered political parties.

[158] "Bahrain must end worsening human rights clampdown, UN experts say," Office of the High Commissioner for Human Rights, June 16, 2017.

[159] Statement of General Joseph L. Votel. March 9, 2017.

[160] Elliott Abrams, "The Non-Existent Progress in Bahrain," Council on Foreign Relations, June 30, 2015.

[161] For more, see CRS Report 95-1013, *Bahrain: Unrest, Security, and U.S. Policy*, by Kenneth Katzman.

[162] For a table of these democracy-based conditions on U.S. military aid to Egypt, see the CRS report referenced in the footnote above.

Members of Congress may revisit existing prohibitions on the transfer of U.S. weapons to specific security force units and personnel that have engaged in human rights violations, and whether those measures are effective.[163]

CAATSA: Possible Sanctions on Purchasers of Russian Weapons

In July 2017, Congress passed, by a veto-proof margin, the Countering America's Adversaries Through Sanctions Act, which President Trump then signed into law.[164] Section 231 of the law directs the President to impose his or her choice of a number of specified sanctions on entities that engage in "significant transactions" with the Russian defense sector. At the request of then-Secretary of Defense Jim Mattis, Congress added a presidential waiver in 2018.

The most prominent U.S. partner facing possible sanctions under CAATSA is NATO ally Turkey, which began payment on the Russian S-400 air defense system in 2017.[165] As of November 2020, the United States has imposed sanctions under Section 231 in one instance, on a Chinese military department and its director for China's 2017-2018 acquisition of Russian Su-35 jets and S-400 equipment.

In the Middle East, a number of U.S. partners have publicly expressed interest in or begun negotiations on obtaining these major Russian systems, which could precipitate further action from either the Administration or Congress:

- **Egypt.** In March 2019, Egypt reportedly signed a $2 billion agreement with Russia to procure as many as 24 of Russia's 4.5 generation fighter aircraft, the Su-35. The next month, several Senators wrote to Secretary of State Pompeo expressing concern about the possible sale. Secretary Pompeo stated in April 2019 testimony that "CAATSA would require sanctions" if Egypt were to acquire the aircraft, a warning repeated by Assistant Secretary Cooper in November 2019. Russian media reported in July 2020 that the first batch of jets were en route to Egypt, but neither side has officially confirmed delivery as of November 2020.[166]
- **Qatar.** Russian media, quoting the Qatari ambassador, first reported that Qatar was in discussions with Russia to purchase the S-400 system in January 2018. During a March 2019 visit by his Russian counterpart, the Qatari Foreign Minister confirmed that, "There is a discussion for procurement of various Russian equipment but there is no understanding as of yet as to [the S-400]."[167] There have been no additional announcements or further public reporting on the potential sale, which one analysis contends could be intended to "motivate the

[163] For more information, see CRS In Focus IF10575, *Human Rights Issues: Security Forces Vetting ("Leahy Laws")*, by Liana W. Rosen.

[164] For more on CAATSA, see CRS Report R45415, *U.S. Sanctions on Russia*, coordinated by Cory Welt.

[165] Turkey took delivery of the system in 2019, and has reportedly tested it multiple times, leading the Trump Administration to remove Turkey from the F-35 program and prohibit Turkey from receiving any of the 100 F-35s it had planned to procure. The Administration has not imposed CAATSA sanctions, despite calls from some Members of Congress that it do so, nor invoked the waiver to forgo sanctions, instead warning Turkey against making the system operational. Sec. 1292 of the House-passed FY2021 NDAA (H.R. 6395) would direct the President to impose CAATSA sanctions on Turkey within 30 days, unless the President certifies that Turkey no longer possesses the S-400 and that it will not engage in similar transactions with Russia in the future.

[166] Hagar Hosny, "Egypt acquires Russian fighter jets despite US warning," *Al-Monitor Egypt Pulse*, August 3, 2020.

[167] "Qatar FM: Doha buying S-400s 'not anyone's business,'" Al Jazeera, March 4, 2019.

approval of arms sales from the United States."[168] Qatar has also reportedly entered talks about purchasing the Su-35.[169]

- **UAE.** Several reports in 2017 indicated that the UAE was nearing an agreement with Russia to purchase a squadron of Su-35s by the end of that year. However, no deal was signed. In November 2019, the CEO of the Russian firm that includes Sukhoi, the producer of the Su-35, said that the UAE was potentially interested in the Su-57, Russia's fifth-generation fighter aircraft seen as roughly comparable to the United States's F-35. He added that his firm, Rostec, had offered "localization" or the possibility of co-production. Russia may be motivated to make such concessions to secure a sale in order to "spread out the cost burden" of the expensive Su-57; for its part, the UAE may be inclined to pursue an agreement either in place of long-sought but withheld F-35s, or to pressure the United States to offer them.[170] The example of Turkey, which has not been sanctioned under CAATSA but was removed from the F-35 program, may influence the UAE's strategic calculus.[171]
- **Saudi Arabia.** Saudi Arabia reportedly signed an agreement with Russia in October 2017 to purchase the S-400 system, though no payment or delivery has evidently taken place as of November 2020: despite the Saudi ambassador to Russia saying that talks were in their final stage in February 2018; he later said in November that discussions were still ongoing. In September 2019, days after an extensive missile and drone attack against Saudi oil production facilities attributed to Iran, Russian President Vladimir Putin said that Saudi Arabia "need[s] to make clever decisions" like Iran and Turkey did by purchasing Russian weapon systems.[172]
- **Algeria.** The U.S. ambassador reportedly told Algerian media in September 2018 that Algeria could face sanctions under CAATSA, but he did not evidently reference which specific potential future purchases could trigger sanctions. In late 2019, press reports indicated that Algeria was in talks with Russia to be the first foreign purchaser of the Su-57, though skeptics have noted earlier reports of a sale of Su-34s never materialized and questioned whether the Su-57 is actually ready for export. Algeria is a longtime arms client of Russia, which provided fully two-thirds of Algeria's arms deliveries in 2015-2019, making Algeria Russia's third largest arms buyer.

State Department officials maintain that the threat of Section 231 sanctions has "deterred billions of dollars-worth of arms exports from Russia," without giving any specific examples.[173] However, in the judgment of one analyst, the range of states publicly contemplating purchasing major Russian defense system indicates that the law has "demonstrably failed." The analyst attributes

[168] Qatar – External Affairs, Jane's, updated July 11, 2019.

[169] "Qatar mulls buying Russia's Su-35 fighter jets," Tass, March 1, 2018.

[170] David Axe, "Could the United Arab Emirates buy Russia's stealth fighter?" *National Interest*, March 16, 2020.

[171] Valerie Insinna, "Turkey's S-400 buy may have spoiled Gulf nations' chances of flying the F-35," *Defense News*, November 12, 2019.

[172] Mark Katz, "He's serious: Putin offers to sell air defense missiles to Saudi Arabia," Atlantic Council, September 17, 2019.

[173] U.S. Department of State, CAATSA Section 231, Addition of 33 entities and individuals to the list of specified persons and imposition of sanctions on the Equipment Development Department, September 20, 2018.

that alleged failure both to mixed U.S. messaging, which has made the threat of sanctions less than credible, as well as the lack of positive alternatives:

> The deterrence also failed because the U.S. government did not pair the threat of punishment with a structural alternative that encourages security cooperation with the United States, to the exclusion of Russia…[For countries considering buying Russian equipment], the only structural incentive from Washington is negative: the message is "do not buy major systems from Russia or we will punish you, probably." But Moscow does not make the same threat, and the lack of credibility in the U.S. threat to sanction, apparently makes it worth assuming the risk of continuing to do business with both great powers.[174]

The future impact of the law in deterring third parties from establishing and deepening security cooperation with Russia via major arms purchases may depend on the United States' own export strategies and how the United States handles its bilateral relationships in an increasingly multipolar world.

Outlook

For the foreseeable future, arms sales appear likely to remain an important component of interstate relations in the Middle East and a prominent tool of U.S. policy toward the region. As they oversee executive branch action on arms sales, Members of Congress will continue to confront the challenge of balancing competing U.S. priorities in the Middle East along a number of potential axes:

- Do arms sales increase the probability of conflict or do they deter aggression?
- Do arms sales align U.S. partners more closely with U.S. policy goals or do arms sales create operators more capable of pursuing goals independent from, or even counter to, U.S. policies?
- In creating more capable partners, do arms sales allow the United States to reduce its presence in the Middle East, or do they further entrench the United States in the region?
- Do arms sales fuel cooperation or competition between U.S. partners?
- Are arms sales a necessary (if unsavory) means of maintaining mutually beneficial ties with undemocratic states that support U.S. policies, or do arms sales undermine democracy and human rights, support for which is a U.S. policy goal in its own right?
- Do U.S. arms sales prevent inroads by great power competitors like China and Russia, or do Middle Eastern states view the United States as one of a number of potential suppliers?
- Do the economic benefits of arms sales to the region outweigh potential costs in other policy areas?
- Are conditions/restrictions on arms sales necessary to maintain U.S. oversight and leverage over the use of those arms, or do conditions motivate potential operators to seek out other suppliers, eliminating U.S. oversight entirely?

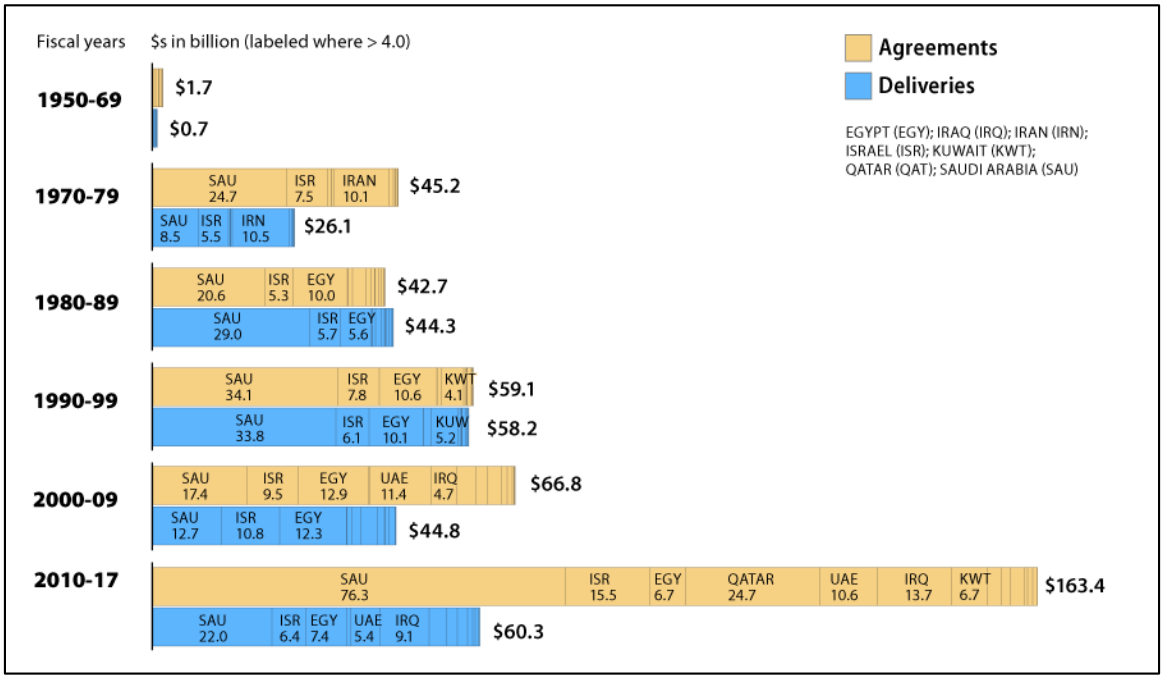
[174] Jarod Taylor, "An American Failure: CAATSA and Deterring Russian Arms Sales," Foreign Policy Research Institute, November 26, 2019.

In weighing these and other questions related to arms sales, Members have a rich history of interactions between the legislative and executive branches on which to draw to inform their decisions.

Appendix A. Historical U.S. Arms Sales to the Middle East

Figure A-1. U.S. Arms Sales to the Middle East

1950-2017, All figures in billions of dollars



Source: Created by CRS.

Table A-1. U.S. Arms Sales to the Middle East

1950-2017, All figures in millions of dollars

		1950-1969	1970-1979	1980-1989	1990-1999	2000-2009	2010-2017
Algeria	Agreements	0	0	4	2	0	8
	Deliveries	0	0	3	3	0	3
Bahrain	Agreements	0	0	730	833	996	667
	Deliveries	0	0	301	805	999	510
Egypt	Agreements	0	632	9,962	10,596	12,942	6,733
	Deliveries	0	254	5,630	10,055	12,322	7,422
Iran	Agreements	585	10,131	0	0	0	0
	Deliveries	238	10,467	0	0	0	0
Iraq	Agreements	13	0	0	0	4,700	13,649
	Deliveries	13	0	0	0	1,580	9,085
Israel	Agreements	526	7,521	5,327	7,765	9,479	15,473
	Deliveries	160	5,496	5,672	6,045	10,748	6,361

		1950-1969	1970-1979	1980-1989	1990-1999	2000-2009	2010-2017
Jordan	Agreements	118	766	894	320	2,044	2,780
	Deliveries	75	488	1,079	339	1,310	1,909
Kuwait	Agreements	0	653	2,605	4,154	3,566	6,654
	Deliveries	0	441	588	5,174	3,093	3,250
Lebanon	Agreements	3	58	498	139	236	960
	Deliveries	2	27	521	133	92	482
Libya	Agreements	21	9	0	0	0	12
	Deliveries	17	12	0	0	0	6
Morocco	Agreements	24	360	566	144	2,624	1,489
	Deliveries	10	266	563	198	127	1,906
Oman	Agreements	0	3	89	99	1,081	2,598
	Deliveries	0	2	83	97	778	981
Qatar	Agreements	0	0	2	6	211	24,685
	Deliveries	0	0	2	5	10	670
Saudi Arabia	Agreements	418	24,705	20,611	34,089	17,379	76,314
	Deliveries	190	8,453	28,967	33,805	12,654	21,949
Tunisia	Agreements	3	81	465	133	85	746
	Deliveries	3	48	414	187	73	210
UAE	Agreements	0	5	922	815	11,408	10,620
	Deliveries	0	3	244	1,344	1,019	5,543
Yemen	Agreements	0	263	59	1	56	46
	Deliveries	0	115	196	11	31	33
MENA Total	Agreements	1,711	45,185	42,731	59,097	66,806	163,434
	Deliveries	708	26,072	44,262	58,200	44,838	60,321
MENA Total as percent of World Total							
	Agreements	*15.99%*	*64.18%*	*42.01%*	*48.04%*	*44.81%*	*58.10%*
	Deliveries	*9.20%*	*64.88%*	*47.76%*	*47.26%*	*39.07%*	*45.41%*

Source: Defense Security Cooperation Agency Historical Facts Book as of September 30, 2017.

Notes: "Agreements" is the total value of all defense articles and services purchased in a fiscal year; "deliveries" is the total value of all defense articles and services delivered to a foreign government in that year. Figures are actual. Zeroes indicate periods with no U.S. sales, as well as figures under 1 million dollars.

Appendix B. Selected Resolutions Disapproving of Arms Sales to the Middle East

Date Introduced	Country	Bill Number	Content of Proposed Sale/Conditions of Disapproval	Notes
6/13/75	Iran	H.J.Res. 512	Three diesel powered submarines	Introduced
7/11/75	Jordan	S.Con.Res. 50	Hawk and Redeye missiles	Introduced
10/21/75	Kuwait	H.Con.Res. 452	Sidewinder missiles	Introduced
3/30/76	Egypt	H.Con.Res. 597	6 C-130s	Introduced
9/7/76	Morocco	S.Con.Res. 154	Aircraft in transmittal 7T-17	Introduced
9/9/77	Egypt	H.Con.Res. 349	14 C-130s and 12 Firebees	Introduced
10/1/77	Iran	S.Con.Res. 48	Early warning aircraft	Introduced
5/1/78	Egypt	S.Con.Res. 81	50 F-5s	Introduced
5/1/78	Saudi Arabia	H.Con.Res. 597	60 F-15s	Introduced
5/1/78	Israel	S.Con.Res. 82	15 F-15s; 75 F-16s	Introduced
8/2/79	Israel	H.Con.Res. 174	Hawk missiles; dragon missiles; armored personnel carriers; M60A3 tanks; 155mm howitzers	Introduced
1/29/80	Morocco	S.Con.Res. 71	Aircraft and helicopters	Introduced
8/19/80	Jordan	H.Con.Res. 401	100 M60A3 Tanks	Introduced
10/1/81	Saudi Arabia	H.Con.Res. 194	AWACs, Sidewinder missiles, aerial refueling aircraft, fuel tanks	Agreed to in House; failed in Senate 48-52
2/23/82	Jordan	S.Con.Res. 66	F-16s and mobile missile launchers	Introduced
10/22/85	Jordan	S.J.Res. 223	Advanced weapons system (until direct peace negotiations with Israel)	Introduced; 73 cosponsors
4/9/86	Saudi Arabia	S.J.Res. 316, H.J.Res. 589	Sidewinder, Stinger, and Harpoon missiles	Passed House and Senate; veto override vote failed 66-34
7/12/88	Kuwait	H.J.Res. 609	F-18s, Harpoons and Sidewinder missiles	Introduced; 168 cosponsors
4/18/90	Turkey	H.J.Res. 550	Five AH-1W helicopters	Introduced
6/11/90	Saudi Arabia	H.J.Res. 592	AWACS E-3 and KE-5 modifications	Introduced
6/19/91	UAE	S.J.Res. 165	Apaches	Introduced; 29 cosponsors
2/21/92	Arab nations	S.Con.Res. 93	Prohibits sales to states without diplomatic relations with Israel	Introduced
4/28/92	Kuwait	H.J.Res. 473	Air defense system	Introduced

Date Introduced	Country	Bill Number	Content of Proposed Sale/Conditions of Disapproval	Notes
9/15/92	Saudi Arabia	H.J.Res. 549	F-15s (until Israel boycott dropped)	Introduced
12/22/95	Turkey	H.Con.Res. 125	Army Tactical missile System (until steps taken on Cyprus, Kurds, Armenia, human rights)	Introduced
1/15/08	Saudi Arabia	H.J.Res. 76	900 JDAM tail kits	Introduced; 104 cosponsors
12/15/10	Saudi Arabia	H.J.Res. 104	190 helicopters; 84 F-15SAs	Introduced
10/6/11	Bahrain	H.J.Res. 80, S.J.Res. 28	Prohibits sales (until Secretary certifies BICI implementation)	Introduced
11/3/11	Turkey	H.J.Res. 83	Three super COBRAs	Introduced
9/8/16	Saudi Arabia	S.J.Res. 39	Abrams tanks	Failed 27-71
5/25/17	Saudi Arabia	S.J.Res. 42	JDAMs, Fuze and Paveway systems	Motion to discharge committee, rejected 47-53
11/15/18	Bahrain	S.J.Res. 65	Missiles and rocket pods	Motion to discharge committee, rejected 77-21
11/29/18	Egypt	S.J.Res. 67	AH-64E Apaches	Introduced
5/13/19	Bahrain	S.J.Res. 20	F-16 weapons	Motion to discharge committee, rejected 43-56
5/14/19	Qatar	S.J.Res. 26	AH-64E Apaches	Motion to discharge committee, rejected 42-57
11/18/20	UAE	S.J.Res. 77-S.J.Res. 80	F-35s, MQ-9s, munitions	Introduced
11/19/20	UAE	H.J.Res. 100 - H.J.Res 103	F-35s, MQ-9s, munitions	Introduced

Source: Congress.gov.

Notes: Many of the prospective sales above prompted the introduction of multiple resolutions of disapproval in both Houses; generally only one illustrative example per sale is listed here.

Appendix C. Selected DSCA Major Arms Sales Notifications to Middle East, 2010-Present

Date	Country	Items/Services	Notified Possible Value (in $ million)
2010			
8/3/2010	Oman	18 F-16s	3,500
8/10/2010	Kuwait	209 Patriot GEM-T missiles	900
9/13/2010	Iraq	18 F-16s	4,200
10/20/2010	Saudi Arabia	84 F-15SAs	29,432
10/20/2010	Saudi Arabia	36 Apaches, 72 Blackhawks	25,600
11/4/2010	UAE	30 Apaches	5,000
2011			
6/29/2011	Iraq	Aircraft System Maintenance and Support	675
7/5/2011	Egypt	125 Abrams tank kits	1,329
9/21/2011	Qatar	6 Seahawks	750
10/18/2011	Oman	18 Avenger fire units, stinger missiles	1,248
12/12/2011	Iraq	18 F-16s	2,300
2012			
6/12/2012	Qatar	12 Blackhawks	1,112
6/26/2012	Qatar	22 Seahawks	2,500
7/10/12	Qatar	24 Apache Longbows	3,000
7/20/12	Kuwait	60 PAC-3 missiles, 4 radars, 20 launching stations	4,200
11/2/12	UAE	48 THAAD missiles, 9 launchers	1,135
11/2/12	Qatar	2 THAAD units, 12 launchers	6,500
11/6/12	Qatar	11 Patriot fire units, 44 launching stations, 768 PAC-3 missiles	9,900
11/8/12	Saudi Arabia	20 C-130J-30s, 5 KC-130Js	6,700
12/14/12	Israel	6900 JDAM kits	647
2013			
7/10/13	Saudi Arabia	30 Mark V patrol boats	1,200
7/25/13	Iraq	50 Stryker combat vehicles	900
7/29/13	Qatar	AN/FPS-132 early warning radar	1,100
8/5/13	Iraq	Integrated Air Defense System	2,403
10/11/13	UAE	Munitions	4,000
10/11/13	Saudi Arabia	Munitions	6,800
2014			
1/14/14	Israel	6 V-22B aircraft	1,130

Date	Country	Items/Services	Notified Possible Value (in $ million)
1/27/14	Iraq	Support for leased Apaches	1,370
1/27/14	Iraq	24 AH-64E Apaches	4,800 (later expired)
8/12/14	Saudi Arabia	AWACS modernization	2,000
9/29/14	UAE	12 HIMARS launchers, 100 rockets	900
9/30/14	Saudi Arabia	202 PAC-3 missiles	1,750
10/20/14	Iraq	Abrams Tank Ammunition	600
12/19/14	Iraq	175 Abrams Tanks	2,400
2015			
5/18/15	Israel	14,500 JDAM kits	1,879
5/20/15	Saudi Arabia	10MH-60R helicopters	1,900
7/28/15	Saudi Arabia	600 PAC-3 missiles	5,400
10/19/15	Saudi Arabia	Four multi-mission combat ships	11,250
11/13/15	Saudi Arabia	Air to ground munitions	1,290
2016			
1/7/16	Iraq	5,000 Hellfire missiles	800
1/20/16	Iraq	F-16 weapons and munitions	1,950
8/8/16	Saudi Arabia	153 M1A2 tanks	1,150
11/17/16	Kuwait	40 F-18s	10,100
11/17/16	Qatar	72 F-15s	21,100
12/7/16	UAE	37 Apaches	3,500
12/7/16	Saudi Arabia	48 Chinooks	3,510
12/12/16	Kuwait	Recapitalization of 218 M1A2 tanks	1,700
2017			
4/11/17	Iraq	Pilot and maintenance training	1,060
4/16/17	Israel	864 million gallons of fuel	2,670
5/10/17	UAE	60 PAC-3 missiles	2,000
10/6/17	Saudi Arabia	360 THAAD missiles, 44 launchers	15,000
11/1/17	Qatar	F-15QA support	1,000
2018			
1/17/18	Saudi Arabia	Missile System support services	500
3/22/18	Saudi Arabia	TOW 2B missiles	670
4/5/18	Saudi Arabia	155mm howitzer systems	1,310
4/27/18	Bahrain	12 AH-1Z attack helicopters	911
11/27/18	Egypt	10 AH-64E Apaches	1,000
11/28/18	Morocco	Abrams tank enhancements	1,259

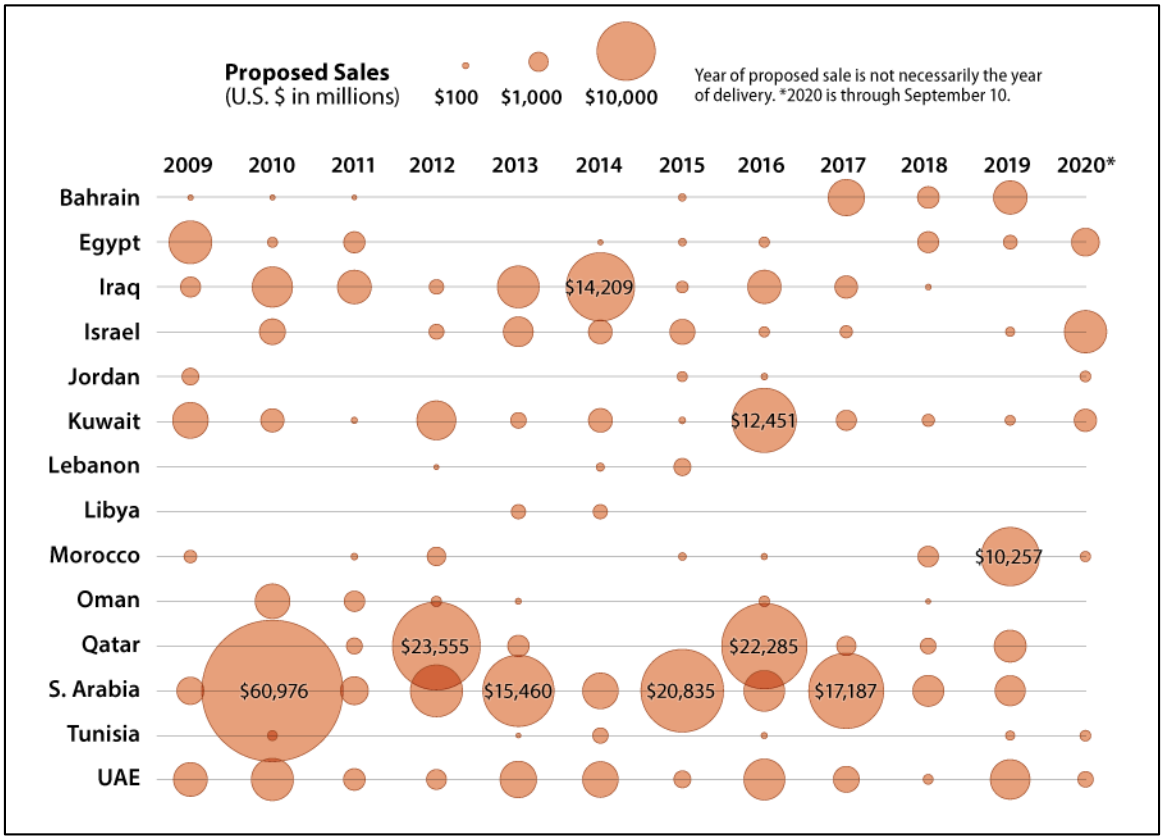
Date	Country	Items/Services	Notified Possible Value (in $ million)
2019			
3/25/19	Morocco	25 F-16C/D Block 72 aircraft	3,787
3/25/19	Morocco	Upgrades to existing F-16 Block 25+	985
5/3/19	UAE	Patriot Missile System	2,728
5/3/19	Bahrain	Patriot Missile System	2,478
5/3/19	Bahrain	AMRAAMs and other F-16 weapons	750
5/9/19	Qatar	24 AH-64E Apaches	3,000
5/25/19	Saudi Arabia	Aircraft follow-on support and services	1,800
11/20/19	Morocco	36 AH-64E Apaches	4,250
2020			
3/3/20	Israel	8 KC-46s	2,400
5/7/20	Egypt	Refurbishments to AH-64E Apaches	2,300
7/6/20	Israel	990 million gallons of fuel and unleaded gasoline	3,000
11/10/20	UAE	800 AMRAAM missiles and other munitions	10,000
11/10/20	UAE	50 F-35A Joint Strike Fighters	10,400
11/10/20	UAE	18 MQ-9 Remotely Piloted Aircraft	2,970

Source: Defense Security Cooperation Agency Major Arms Sales Database.

Notes: Most proposed sales include elements beyond the major defense articles listed here, namely related services, support, equipment, training, spare parts, and/or munitions. Notifications generally indicate the maximum possible size/value of a potential deal, and may not reflect its ultimate form (which may take years or even decades to finalize).

Appendix D. Total Proposed U.S. Arms Sales to Selected Countries by Year

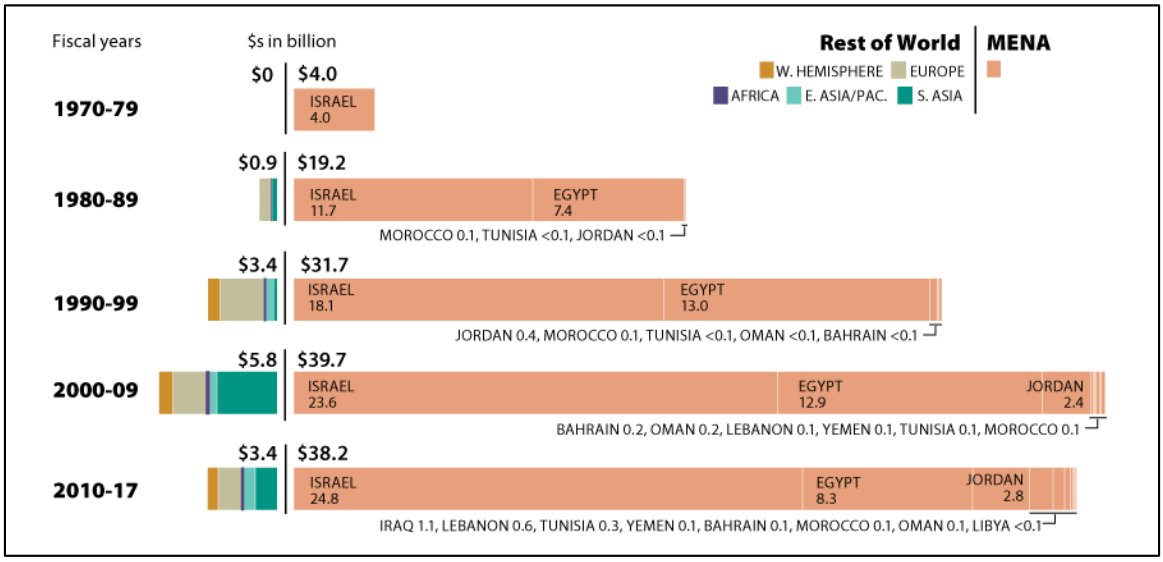
Figure D-1. Proposed U.S. Arms Sales to Select Countries



Source: Defense Security Cooperation Agency Major Arms Sales Database. Figure created by CRS.

Appendix E. Historical Foreign Military Financing (FMF)

Figure E-1. Total Foreign Military Financing to MENA vs. Global, 1950-2017



Source: Defense Security Cooperation Agency Historical Facts Book as of September 30, 2017. Figure created by CRS.

Appendix F. Past Presidential Usage of Emergency Authorities: Five Case Studies

Before 2019, Administrations used AECA emergency authorities several times to immediately sell arms to foreign partners, at times generating debate in Congress over the cases in question and the broader availability and use of the authorities by the executive branch.

March 1979: North Yemen

On March 7, 1979, President Jimmy Carter formally notified Congress that an emergency existed that required the United States to sell arms to North Yemen; the presidential determination cited section 36(b)(1) of the AECA. Congressional consideration of and reaction to that emergency decision, the first such invocation of that provision, demonstrated a number of concerns that arguably are relevant today.

South Yemen won independence from Great Britain in 1967, and was governed by the Yemeni Socialist Party after 1970 as the People's Democratic Republic of Yemen (PDRY). The PDRY had tense but generally normal relations with its more populous northern neighbor, the Yemen Arab Republic (YAR). Saudi Arabia became the main patron of North Yemen following the departure of Egyptian forces from the country, in opposition to the Soviet-supported PDRY. After months of escalating political crises, cross border fighting between the two Yemens came to a head in early 1979 with some limited deployments into North Yemen by South Yemeni forces. Amid Cold War tensions, and in the wake of the collapse of the Shah's U.S.-supported government in Iran and his departure from the country on January 16, 1979, some U.S. policymakers feared that North Yemen might be a new front for U.S.-Soviet competition and a potential threat to Saudi security. According to one contemporaneous account, both U.S. and Saudi policymakers viewed events in Yemen as "a further Soviet probe of American intentions and resolve in the Middle East" and "a place where the United States had to 'draw the line.'"[175]

The Administration delivered to Congress informal notice of the proposed sale of $400 million in arms for North Yemen to respond to South Yemeni incursions on February 16, 1979, though reports of the Administration's plans had surfaced days earlier. In response to those reports, some Members argued that such a sale would "violate the intent and the spirit of the Arms Export Control Act."[176] On February 26, 1979, House Foreign Affairs Europe and Middle East Subcommittee Chairman Lee Hamilton (D-IN) stated that "I hope we are not reacting to [the Iranian revolution] by increasing arms sales to friends elsewhere in the region…They need reassurance of our political support, but, in this process, arms sales should not be the principal instrument" of that support.[177]

President Carter signed the determination notifying Congress of the emergency sale on March 7, 1979; certain Members were informed that day and the formal notification was publicly relayed on March 8.[178] The sale was comprised of 12 F-5E aircraft; 64 M60-A1 tanks; 50 M113-A1 armored personnel carriers (APCs); and related support, training, and munitions, all paid for by

[175] Bernard Reich, David Pollack, and Sally Ann Baynard, "The Iranian Revolution and Its Effects on the Middle East," in "Economic Consequences of the Revolution in Iran: A Compendium of Papers Submitted to the Joint Economic Committee, Congress of the United States," November 19, 1979, p. 197.

[176] Representative Benjamin Rosenthal (D-NY), Extensions of Remarks, *Congressional Record* 125 (1979), p. 2581.

[177] Extensions of Remarks, *Congressional Record* 125 (1979), p. 3376.

[178] President Determination No. 79-6 of March 7, 1979, 44 Fed. Reg. 18633 (March 29, 1979).

Saudi Arabia. Citing section 36(b)(1) of the AECA, President Carter declared that an emergency existed which required the sales to North Yemen in the interest of U.S. national security, waiving the thirty-day congressional review period.

Representative Hamilton then convened a subcommittee hearing on the arms transfers, which took place on March 12, 1979. In his testimony, Deputy Assistance Secretary of State for Near Eastern and South Asian Affairs William Crawford stated that the determination was made to notify Congress of the proposed $400 million package in September 1978. However, he said, "the notifications to Congress were held until after the recess" and that the renewed fighting which broke out on February 23 constituted an emergency "which requires waiver of the Congressional review period for those items of equipment which were already before Congress on an informal notification basis." Along with the arms sales, Crawford cited a number of other Administration steps to respond to the crisis, including the potential transfer of U.S. origin equipment to North Yemen from Saudi Arabia and Jordan and the deployment of a carrier task force to the area.

The hearing focused largely on two related questions: the precise justification for the emergency declaration and the ability of North Yemeni forces to utilize U.S. equipment that had been expedited. Under questioning, Administration officials testified that there were no Yemeni pilots qualified to fly F-5Es, and that training Yemeni pilots to use them, as well as the tanks and APCs, would take "several weeks to several months." Some subcommittee members spoke in support of the president's decision, citing the importance of demonstrating "decisive leadership" and acknowledging that "it is important, of course, that proper procedure should be followed, but it is far more important that our national interest should be secured." Most, however, expressed reservations over U.S. interests being potentially "dictated" by Saudi Arabia, and questioned the wisdom of sending U.S. equipment to such a fragile and unstable partner (citing the example of revolutionary Iran).[179]

In response to the notification, on March 15, 1979, Representative Leon Panetta (D-CA) introduced H.Con.Res. 78, which stated that the March 12 hearing "failed to substantiate the existence of a national security emergency," and expressed Congress's objection to the sale. In introducing the measure, Representative Panetta stated, "If the Congress simply stands by and fails to demand that the administration fully justify the emergency nature of this transfer of arms and men, it will set a dangerous precedent for this and future administrations seeking to bypass the requirements of the law."[180] The resolution would not have blocked the sale, but "requested" that it be delayed for 30 days. No action on the resolution was taken, and Congress did not take any action to block the sale. In October 1979, it did adopt a House provision amending the AECA to require that the President provide a "detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer" in future uses of the emergency authority (Section 19(c) of the International Security Assistance Act of 1979, P.L. 96-92). That provision remains in effect today.

The arms transfers reportedly went forward as planned, though the conflict came to an end in late March 1979 with the signing of a ceasefire between the two Yemens. Members' prior concerns about the ability of North Yemeni forces to absorb and utilize the equipment were apparently well-founded, given 1980 testimony from the former U.S. military attaché in North Yemen. In a hearing before the House Foreign Affairs Europe and Middle East Subcommittee, Lt. Col. (Ret.) John Ruszkiewicz stated that as of the fall of 1979, "none of this equipment had been deployed, nothing had happened with it," further alleging that North Yemeni President Ali Abdullah Saleh

[179] "Proposed Arms Transfers to the Yemen Arab Republic," Hearing before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, House of Representatives, March 12, 1979.

[180] Congressional Record – House, *Congressional Record* 125 (1979), p. 5328.

"had taken this equipment and controlled it for the purpose of keeping himself in power." Ruszkiewicz explicitly linked the U.S. decision to Saudi anxieties in the aftermath of Iran's Islamic Revolution, stating that "we subordinated our policy toward North Yemen to that of Saudi Arabia in the interest of economy and in our desire to see Saudi Arabia as the strong man of the region."[181]

May 1984: Saudi Arabia

During the early 1980s, the Reagan Administration sought to use arms sales to signal U.S. commitment to the security of Arab countries in the face of regional and global security threats and as an inducement to secure Arab support for U.S. efforts to achieve Arab-Israeli peace. The Iran-Iraq war destabilized the security situation in the Persian Gulf region and placed the United States in a difficult strategic position. On the one hand, U.S. policy sought to remain neutral in the conflict and avoid accepting security responsibility for directly defending the other Arab states of the Gulf region from threats emanating from the conflict. On the other hand, the Arab Gulf states were financially supporting Iraqi war efforts while expressing growing concern about the possible military threats to their security posed by both Iraq and Iran.

On February 29, 1984, the Reagan Administration formally notified Congress of its intent to sell Saudi Arabia 400 Stinger Man Portable Air Defense (MANPADS) missile systems, including 1200 total missiles, related support, spare parts, and training.[182] On March 1, the Administration formally notified Congress of its intent to sell Jordan 315 Stinger systems, including 1,613 total missiles, related support, spare parts, and training.[183] The Administration used the normal notification procedures under Section 36(b) of the AECA, providing Congress with the opportunity to review the sales for 30 days.

Congressional reaction to the proposed sales was largely negative, as some Members expressed strong concerns about the possibility of the loss or diversion of Stingers to terrorists and noted Jordan's then unwillingness to recognize Israel and directly engage in peace talks.[184] Administration officials also argued that end-use controls would obviate diversion concerns. Two bills that would have prohibited the sales were introduced (H.R. 5129 and H.R. 5140), the latter with bipartisan co-sponsorship. Amid vocal congressional opposition to the proposed sales, the Reagan Administration withdrew them from consideration on March 22.

In April and May, a series of security incidents involving attacks on oil facilities and tankers in the Persian Gulf demonstrated the volatility in the region. On May 22, Saudi authorities requested that the United States promptly provide Stinger missile systems to assist in air defense operations. On May 25, 1984, the Reagan Administration's National Security Planning Group met and decided to ship 200 Stinger missile systems with 400 missiles total "with a waiver determination to be signed after they had reached Saudi Arabia in order to preserve security."[185]

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[181] "U.S. Interests in, and Policies toward, the Persian Gulf, 1980," Hearing before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, House of Representatives, March 5, 1980.

[182] Transmittal Number 84-31.

[183] Transmittal Number 84-32. The Administration acknowledged that Jordanian support for peace efforts was "essential" in its memorandum of justification and argued that the sales would support peacemaking by demonstrating U.S. commitment to Jordan's security.

[184] Some Members of Congress had previously expressed opposition to possible sales of Stinger missiles to Jordan, and legislation was introduced in the House (H.R. 2992) and Senate (S.Res.72) linking authorization of advanced air defense system sales to Jordan to Jordanian support for the peace process.

[185] Testimony of Richard W. Murphy, Assistant Secretary of State for Near Eastern and South Asian Affairs before the House Foreign Affairs Subcommittee on Europe and the Middle East, June 11, 1984.

According to Assistant Secretary of State for Near Eastern and South Asian Affairs Richard Murphy, "key congressmen" were informed of the Administration's plans in the early afternoon of Sunday, May 27, and shipments to Saudi Arabia began later that day. The missile systems arrived in Saudi Arabia on May 28 (Memorial Day, 1984) and remained in U.S. custody until President Reagan signed the national security waiver determination on May 29. The notification was formally delivered to Congress on May 30, while Congress was in recess. The justification stated:

> The Iran-Iraq war has escalated in recent days, and neutral shipping has been attacked with increasing frequency and in an ever-widening area in international waters in the Gulf. The Arab states of the Gulf as well as the United States are attempting to defuse the situation through diplomatic means. Further escalation could threaten Saudi Arabia. This escalation of the war could deny vital oil supplies to much of the free world, including particularly our allies in Western Europe and East Asia.... Because the Stinger system can be deployed in the field shortly after delivery, an immediate transfer to Saudi Arabia of this system is an appropriate response to the current crisis and will enhance Saudi air defenses. By providing a deterrent against hostile actions, this transfer lowers the risk of broader conflict.[186]

The Administration also announced plans to deploy U.S. AWACS aircraft and an aerial refueling tanker to the Gulf to support regional security operations and assure U.S. partners.

On June 5, Saudi F-15 fighter aircraft operating with the support of U.S. aircraft shot down two Iranian F-4 fighter aircraft that had encroached on Saudi airspace. That day, the Senate Appropriations Subcommittee of Foreign Operations held a hearing at which several Senators from both the majority and minority criticized the Administration's use of the emergency authority to affect the Stinger sale, questioned whether U.S. decisions would result in escalation in the Iran-Iraq war or unwanted U.S. commitments to Gulf security, and reiterated concerns expressed earlier regarding missile diversion. Senator Robert Kasten, Jr. (R-WI) in presiding over the hearing said,

> If nothing else comes out of this hearing, I think that you, as representatives of the administration, the State Department and Defense Department, should be aware of the damage which I believe you have done by using special emergency authority over a holiday weekend with Congress out of town. At the very least you have abused the consulting process. For my own part and from the point of view of this committee, I can tell you such consultations will have little meaning to us in the future. You must understand as a consequence of your action, you have jeopardized not only the emergency authority you used in this case, but probably other emergency authority available to the Administration in the Foreign Assistance Act and the Arms Export Control Act We will be exploring ways to remedy legislatively the problems that I believe have been created. In addition, I believe your action is yet another argument for those in Congress who wish to enact very restrictive legislation on future arms sales. In other words, you are playing right into the hands of people who have been opposing arms sales, squeezing the administration down to less and less flexibility because of these kinds of actions.[187]

Administration officials reiterated that they had consulted congressional leadership offices prior to the transfers and emphasized their respect for a congressional role in reviewing proposed arms sales. In explaining the Reagan Administration's view of the logic for the sale, Under Secretary of

[186] *Congressional Record*, June 6, 1984, p. 15064 – Notification of Stinger Sale to Saudi Arabia: Defense Security Assistance Agency Document I-222451/84, Letter from Lt. General Philip C. Gast to Senate Foreign Relations Committee Chairman Charles H. Percy, May 30, 1984.

[187] Senate Appropriations Subcommittee on Foreign Operations, Hearing on Sales Of Stinger Missiles To Saudi Arabia, S.Hrg. 98-1057, June 5, 1984.

State for Political Affairs Michael Armacost underscored the escalation of attacks in the Gulf and said,

> Iran must understand that the desire we, our allies, and the states in the region have for a peaceful solution of the Iran-Iraq war is not a reaction born of weakness. Statements without action to support them have no deterrent effect and may invite aggression. Provision of the Stingers and the [aerial refueling] tanker are firm proof of our support for the principles we have been declaring.[188]

On June 11, the House Foreign Affairs Subcommittee on the Middle East and Europe held a hearing at which some Members expressed concerns similar to those raised in the Senate. Subcommittee Chairman Lee Hamilton (D-IN) said, "I don't have any doubt…that there was some escalation of the war and some increase in danger, but what I do not see is that an emergency existed in terms of the national security interests of the United States because of those increased attacks." Questioning why the Administration had not chosen to meet a current Kuwaiti request for Stingers with an emergency transfer, Representative Stephen Solarz (D-NY) said to Assistant Secretary Murphy,

> If the threat to Kuwait is essentially the same as the threat to Saudi Arabia, and we are taking our time in figuring out what to do in response to the Kuwaiti request, it implies that the emergency may not have been as great as we contended it was with respect to the Saudi request. You, in effect, justified an end run around the Congress on the grounds that there was a real emergency, and pursuant to the law the President had the right in such an emergency to directly send the arms. We are told at the same time the threat is just as great to Kuwait, yet you haven't exercised the emergency authority, yet we are also told that Kuwait lacked this capacity just as Saudi Arabia lacked it. I don't see what the difference is. It seems to me that the time we have taken, properly so, to evaluate the Kuwaiti request, suggests that the emergency may not have been as great as we contended.[189]

Reagan Administration officials responded by reiterating the Administration's description of the emergency conditions it felt necessitated the transfer and by restating the Administration's respect for congressional review of arms sale decisions. The officials stated that sales to Saudi Arabia were facilitated by the fact that the United States had already vetted the possible transfer of Stingers to Saudi Arabia as part of the Foreign Military Sales request withdrawn in March, unlike the Kuwaiti request that remained under study. The question of further Stinger transfers to the Gulf remained a salient issue for the balance of the Iran-Iraq war, and, on June 12, a bipartisan group of Representatives wrote to President Reagan opposing further Stinger transfers to Saudi Arabia. Congress later acted to condition and restrict sales of Stingers to the Gulf region[190] and temporarily prohibited all U.S. weapons sales to Qatar after it was revealed that Qatar had procured Stinger missiles on the black market from stocks diverted from those supplied by the United States to Afghan rebels.[191]

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[188] Ibid.

[189] Solarz later introduced a proposal to require affirmative congressional action to authorize arms sales meeting existing review criteria under the AECA (H.R.5759).

[190] See Sections 558 and 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (P.L. 101-167), waived by President George H.W. Bush in August 1990 to transfer Stinger missiles to Saudi Arabia on an emergency basis (see below).

[191] In the late 1980s, the United States and Qatar engaged in a prolonged diplomatic dispute regarding Qatar's black market procurement of U.S.-made Stinger anti-aircraft missiles. The dispute froze planned economic and military cooperation, and Congress approved a ban on arms sales to Qatar (§566(d), P.L. 100-461) until the months leading up to the 1991 Gulf War, when Qatar allowed coalition forces to operate from Qatari territory and agreed to destroy the missiles in question. The ban was formally repealed by the Foreign Operations, Export Financing, and Related

August 1990: Saudi Arabia

When Iraq invaded Kuwait on August 2, 1990, and moved thousands of its troops to the border of Saudi Arabia, President George H.W. Bush declared that Iraqi forces posed an imminent threat to the Kingdom of Saudi Arabia and immediately deployed, at the invitation of the late Saudi King Fahd, several thousand U.S. troops to the kingdom and the Gulf.[192] Within this regional context, some Members of Congress became more willing to support executive branch latitude in expediting arms sales to the kingdom. Previously, some Members had closely scrutinized sales of advanced U.S. weaponry to Gulf states, characterizing them as adversely affecting Israel's security,[193] and had enacted legislation to limit sales of certain items to Saudi Arabia.[194] As an example of how Iraq's threat to Saudi Arabia changed some Members' stances on this issue, one House Foreign Affairs Committee Member who had previously been critical of U.S. arms sales to Saudi Arabia said at the time, "During this crisis, when American troops are in the region, Congress will provide the President with whatever he believes is necessary to protect American lives."[195]

Thus, on August 26, 1990, after having previously waived an existing restriction on arms sales to Saudi Arabia (see footnote 39), President Bush notified Congress that, pursuant to section 36(b)(1) of the Arms Export Control Act, 22 U.S.C. 2776(b)(1), an emergency existed that required the United States to sell 150 M60A3 tanks and 24 F-15C/D aircraft to Saudi Arabia for a total value at the time of approximately $2.2 billion.[196] These items were transferred immediately from existing U.S. stockpiles to the kingdom.[197] At the same time, President Bush waived limits that then were in place in foreign operations appropriations law on (1) the transfer of Stinger

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Programs Appropriations Act of 1991 (§568(b), P.L. 101-513). The conference report on H.R. 5114, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (H.Rept. 101-968) inserted Senate language (Amendment No. 144) that repealed the ban based on information provided by the Secretary of Defense "that it is in the national interest to reestablish United States-Qatari security relations because of their support for United States troops in the Middle East." Qatar defended its procurement of the missiles in protest of the sale of similar missiles by the United States to Bahrain, with which Qatar had an unresolved border dispute until 2001. Elaine Sciolino, "Qatar Rejects U.S. Demand For Return of Illicit Stingers," *New York Times*, June 28, 1988; Patrick E. Tyler, "U.S. Drawn Into Gulf Dispute—Stray Stingers Tied To Qatar-Bahrain Tiff," *Washington Post*, October 6, 1988.

[192] "Bush Sends U.S. Force to Saudi Arabia as Kingdom Agrees to Confront Iraq; Seeks Joint Action," *New York Times*, August 8, 1990.

[193] See, CRS Issue Brief IB91007, *Arms Sales to Saudi Arabia: Current Status*, February 20, 1991, by Richard F. Grimmett.

[194] Section 1306 of P.L. 100-456, referred to as the Metzenbaum amendment, after its author, Senator Howard Metzenbaum (D-Ohio), entered into force on September 29, 1988. It placed conditions on the sale or transfer of F-15 aircraft to Saudi Arabia, including, among other things, that Saudi Arabia shall not possess more than 60 F-15 aircraft at any time. On August 8, 1990, then Secretary of Defense Richard Cheney stated at a press conference that the President had waived the Metzenbaum amendment. Subsequently, on August 9, 1990, President Bush issued to Congress the formal certification necessary by law to waive the restrictions contained in the Metzenbaum amendment. See, Memorandum of August 8, 1990, The President's National Interest Certification for Sale of F-15s to Saudi Arabia, Memorandum for the Secretary of State, "Pursuant to the authority vested in me by section 1306(b) of the National Defense Authorization Act, Fiscal Year 1989 (P.L. 100-456), I hereby certify that it is in the national interest of the United States to waive section 1306(a) of that act."

[195] Representative Mel Levine, quoted in "U.S. Speeding Arms to Arab Allies," *New York Times*, August 15, 1990.

[196] Presidential Determination 90-36, p. 13/37695. Available online at https://www.govinfo.gov/content/pkg/FR-1990-09-13/pdf/FR-1990-09-13.pdf

[197] "U.S. to sell Saudis 385 of Best Tanks," *New York Times*, September 8, 1990.

missiles to Gulf states, and (2) depleted uranium anti-tank ammunition to foreign recipients globally.[198]

However, a month later, in September 1990, when President George H.W. Bush proposed a new series of arms sales to Saudi Arabia, Congress returned to "normal order" in reviewing Saudi arms sales, while some Members also reverted to questioning whether sales of sophisticated weaponry to the kingdom would threaten Israel's security.[199] After the notification, some Members of Congress continued to question the proposed sale, expressing concern over several issues, including its effect on the regional arms balance, Israel's security, and whether future Saudi governments would continue to be reliable U.S partners.[200] On October 17, 1990, Representatives David Obey and Mel Levine introduced a resolution (H.J.Res. 674) to disapprove of the Administration's proposed sales, with Obey stating:

> I think there are two problems with the administration's sale. No. 1, the way it is designed, it will unquestionably fuel the arms race in the Middle East to an unprecedented degree. Second, the administration, frankly, does not have a clue as to what its long-term plans are for dealing with the escalation of military weaponry in the Middle East. They have no idea of what the pressures are going to be on the foreign aid bill for additional increases in spending over the next 5 years because of that sale. Under those circumstances, I think it ought to be scaled back. The focus of the items which we will try to disapprove will be on the items that have nothing whatsoever to do with the Desert Shield operation, weapons which will not even be delivered for a significant period of time after next year.[201]

The resolution received the support of 89 co-sponsors (85 Democrats and 4 Republicans). In the Senate, Senators Cranston, Packwood, Simon, and Specter also moved to file a resolution of disapproval. However, the resolution stalled for at least three reasons. First, its introduction just prior to the adjournment of the 101st Congress left little time for congressional consideration.[202] Second, many lawmakers reportedly were uneasy over any expression of national disunity during a large-scale deployment of U.S. forces to the Gulf.[203] Finally, the Bush Administration assured lawmakers that it would increase U.S. support for Israel to ensure its qualitative edge in weapons technology.

As a result of these assurances, some Members of Congress were able amend foreign aid legislation to add special security assistance benefits for Israel, some of which remain in place today.[204] In P.L. 101-513 (which became law on November 5, 1990), the Foreign Operations,

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[198] In authorizing sales to Saudi Arabia "notwithstanding other provisions of law," the President invoked Section 614(a)(2) of the Foreign Assistance Act (FAA) of 1961, 22 U.S.C. 2364(a)(2), to nullify existing provisions in foreign operations legislation restricting the sale of both depleted uranium anti-tank ammunition (Section 558 of P.L. 101-167) and stinger missiles to Gulf states (Section 580 of P.L. 101-167).

[199] See, Subcommittee on Arms Control, International Security, and Science, and on Europe and the Middle East, House Committee on Foreign Affairs, "Proposed Sales to Saudi Arabia in Association with the Conduct of Operation Desert Storm," October 31, 1990. The notification consisted of up to $7.3 billion in equipment and training in sales to Saudi Arabia (and Bahrain), including 235 M-1A2 tanks, 200 Bradley fighting vehicles, 207 M-113 armored personnel carriers, 12 AH-64 Apache attack helicopters, 155 Hellfire missiles, 24 spare Hellfire launchers, and Patriot Air Defense systems. The proposal, though sizeable in its own right, had been scaled down from previous Defense Department proposals exceeding $21 billion due to Congressional concern over the previous proposals' broad scope. "Saudi Arms Proposal Raises Questions on the Hill," *Washington Post*, September 28, 1990.

[200] "U.S. Officials call Arms Package for Saudis Vital," *New York Times*, October 4, 1990.

[201] Introduction to Disapprove Arms Sale to Saudi Arabia, 136 Cong Rec H 10501, October 18, 1990 Congress-Session: 101- 2 Reference Volume: Vol. 136 No. 141 Pg. H10501.

[202] "Cranston seeks to Block Some Saudi Arms" *UPI*, October 12, 1990.

[203] "Despite Its Misgivings, Congress Permits Persian Gulf Arms Sale," *Washington Post*, October 29, 1990.

[204] See, Foreign Operations, Export Financing, and Related Programs Appropriations, Fiscal Year 1991, Congressional

Export Financing, and Related Programs Appropriations Act, 1991, Congress included a number of provisions favorable to Israel. For example, it was the first time that appropriations legislation provided for Israel to receive Foreign Military Financing (FMF) aid in a lump sum during the first month of the fiscal year. This provision has appeared routinely in annual appropriations legislation since then, allowing Israel to invest its annual FMF aid in U.S. Treasury notes and earn interest.[205] Also, P.L. 101-513 provided that up to $200 million of Israel's Economic Support Fund (ESF) aid (at the time, Israel received economic assistance) for FY1991 could be used for military purposes during Operation Desert Shield, notwithstanding Section 531(e) of the Foreign Assistance Act of 1961 which prohibited such use. Additionally, Section 599B of P.L. 101-513 provided that the President could allow Israel to draw on defense articles and services of the Department of Defense, as well as military education and training, up to an aggregate value of $700 million. Congress also granted the President authority in P.L. 101-513 to modify, and under certain conditions, to cancel Egypt's military debt.

March 1991: Saudi Arabia and Israel

In the context of the Gulf War, President George H. W. Bush signed an emergency declaration authorizing sales of one Patriot fire unit to Israel and repair parts and logistical support services for Saudi Arabia on March 21, 1991.[206] The emergency determination was made under section 36(b)(1) of the AECA.[207]

Operation Desert Storm began with an air campaign on January 16, 1991; the main ground campaign began a little over a month later, on February 24, 1991, when U.S. and coalition forces crossed from Saudi Arabia into Iraqi-occupied Kuwait. President Bush declared Kuwait liberated 3 days later on February 27, 1991 and declared a ceasefire on February 28, less than 100 hours after combat operations had begun. While Iraqi government forces battled popular rebellions by Shias in the south and Kurds in the north, Iraq formally accepted all of the U.S.-led coalition's conditions for a permanent ceasefire on March 3, 1991.[208]

Israel and Saudi Arabia both suffered Iraqi missile attacks in January and February of 1991, but Iraq would not have appeared to pose a comparable threat by late March, when the emergency arms sales determination was made. The sale was notified and considered in the context of post-war debates in Congress and between Congress and the Bush Administration about responding to Israeli requests for assistance in the wake of Iraqi attacks.[209]

May 2003: Kuwait

The day after President George W. Bush declared the end of major combat operations in Iraq on May 1, 2003, the Administration notified Congress of an emergency sale, valued at over $50

Record citation: Volume 136, Number 145, Page Cong Rec S 16344, October 22, 1990.

[205] See CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.

[206] Emergency sales of two MIM-104 Patriot missile fire units were previously made to Israel under Section 506(a) of the FAA; the George H. W. Bush Administration notified Congress of the sales on September 30, 1990 (President Determination 90-40) and October 4, 1990 (Presidential Determination 91-1) for $74 million and $43 million, respectively.

[207] President Determination No. 91-25 of March 21, 1991, 56 Fed. Reg. 13263 (April 1, 1991).

[208] Steve Coll and Guy Gugliotta, "Iraq Accepts All Cease-Fire Terms," *Washington Post*, March 4, 1991.

[209] Thomas L. Friedman, "U.S. to Give Israel $650 Million To Offset Costs of the Gulf War," *New York Times*, March 6, 1991.

million, of Sentinel radar assemblies and related equipment "to the U.S. Armed Forces in Kuwait" (DDTC 014-03).[210] The determination, citing section 36(c) of the AECA, was made by the Under Secretary of State for Arms Control and International Security pursuant to a presidential delegation of authority. The sale does not appear to have generated significant congressional interest.

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[210] 68 Fed. Reg. 24784 (May 8, 2003).