

October 26, 2021

Chairman Bob Menendez
Senate Foreign Relations Committee
528 Hart Senate Office Bldg.
Washington, DC 20515

Chairman Gregory Meeks
House Foreign Affairs Committee
2310 Rayburn House Office Building
Washington, DC 20515

Ranking Member James E. Risch
Senate Foreign Relations Committee
SR-483 Russell Senate Office Building
Washington, DC 20510

Ranking Member Michael McCaul
House Foreign Affairs Committee
2001 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Menendez, Chairman Meeks, Ranking Member Risch, and Ranking Member McCaul,

We, the undersigned human rights, humanitarian, arms control, good governance, and veterans' organizations, write to urge you to support S. 2391, the National Security Powers Act of 2021 (NSPA), and H.R. 5410, the National Security Reforms and Accountability Act of 2021 (NSRAA), two bipartisan measures that would restore much-needed congressional authority over arms transfers, the most common way the United States contributes to war.

Today, blocking a notified arms transfer under the Arms Export Control Act requires Congress to issue a joint resolution of disapproval, which must be passed by a two-thirds majority in both the House and the Senate to overcome a likely presidential veto. As a result, Congress has never successfully prevented a notified arms transfer through legislation even in instances of overwhelming bipartisan opposition, as was the case with the 2019 sale of billions of dollars of arms to Saudi Arabia and the United Arab Emirates.

Arms sales should not continue after Congress has voted to block them. The NSPA and NSRAA would reestablish much-needed congressional oversight over arms transfers by "flipping the script," requiring Congress to affirmatively authorize foreign military sales and direct commercial sales of the most dangerous and destabilizing weapons. Based on past notification data, this would only require votes on approximately 60 cases per year, many of which could be packaged together to reduce the number of votes. These bills would also restrict the emergency waiver that has allowed presidents to bypass congressional review.

We have seen U.S. weapons used to devastate civilian communities in armed conflict, enable human rights abuses, fuel corruption, and facilitate impunity for harm. At a time when the executive branch can circumvent congressional concerns and sell weapons indiscriminately, it is clear that our current arms transfer system is broken. The NSPA and NSRAA offer much-needed reforms that would begin to reassert the legislature's constitutional oversight role and promote a more democratic approach to national security. We urge you to support this critical legislation.

Signed,

Action on Armed Violence

Arms Control Association
Center for Civilians in Conflict (CIVIC)
Center for International Policy
Common Defense
Friends Committee on National Legislation
Global Exchange
Human Rights Watch
Open Society Policy Center
Oxfam America
Project on Middle East Democracy (POMED)
Protect Democracy
Quincy Institute for Responsible Statecraft
Win Without War
Women for Weapons Trade Transparency