ARMS SALES ACCOUNTABILITY FOR THE PROTECTION OF CIVILIANS

A Legislative Agenda to Overhaul the US Arms Trade

CENTER FOR CIVILIANS IN CONFLICT
RECOGNIZE. PREVENT. PROTECT. AMEND.

ABOUT CIVIC

Center for Civilians in Conflict (CIVIC) is an international nongovernmental organization dedicated to the protection of civilians in conflict. CIVIC envisions a world where every civilian is protected from the harms of conflict. Our mission is to keep civilians safer in conflict by working with communities, armed actors, and decision-makers to prevent and respond to harm. CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Honoring Marla's legacy, CIVIC has kept an unflinching focus on the protection of civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals throughout the world where we work with and alongside communities affected by violence to strengthen their own protection and advocate for their rights. We engage armed actors and decision-makers to prevent and respond to civilian harm, and we influence policies and practices to make civilian protection a global priority. As a humanitarian protection actor, we bridge the gap between people at risk and those with the power and responsibility to protect them. At CIVIC, we believe civilians are not "collateral damage" and civilian harm is not an unavoidable consequence of conflict—civilian harm can and must be prevented.

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Arms Sales Accountability for the Protection of Civilians:

A Legislative Agenda to Overhaul the US Arms Trade

1. Reclaim congressional authority over major arms transfers by requiring Congress to vote to affirmatively approve the riskiest sales

MODEL LEGISLATION: The National Security Powers Act and National Security Reforms and Accountability Act

2. Ban arms transfers where it is determined to be "more likely than not" US arms will be used in violations of international human rights and humanitarian law and require recipients of US arms to agree not to use US-origin weapons in such violations.

MODEL LEGISLATION: Codification of Section 4 of National Security Memorandum 18 and SAFEGUARD Act Section 4

3. Create a new operational end-use monitoring program to monitor the use of US weapons in civilian harm and violations of international law.

MODEL LEGISLATION: Silver Shield Operational End Use Monitoring Act

4. Enforce the implementation of existing US arms transfer laws through appropriations conditions and restrictions, legislative revisions and clarifications, and updated House rules.

MODEL LEGISLATION: SAFEGUARD Act Sections 4(c) and 7

5. Restrain dangerous firearms exports by transferring small arms export authority from the back to the State Department, restoring congressional notification, and requiring stricter human rights review.

MODEL LEGISLATION: ARMAS Act of 2025

6. Support and build the international consensus around banned weapons, including anti-personnel landmines, cluster munitions, and lethal autonomous weapons.

MODEL LEGISLATION: Proposed Amendment to the FY24 National Defense Authorization Act on the Prohibition of Cluster Munitions and Human Authority Over Autonomous Weapons Act of 2026

7. Mandate greater executive branch transparency on arms transfers.

Introduction

The United States exports more weapons than the next seven countries combined.[1] US arms transfers have fueled violence, contributed to civilian harm, and even enabled atrocity crimes. While international arms transfers are often used to further foreign policy goals and build conventional and irregular security capacities, the widespread availability and misuse of weapons exact an extraordinary human toll, as civilians bear the brunt of the violence in modern conflicts.[2] The consequences are severe: death, life-altering injury, displacement, loss of livelihoods, attacks on schools and hospitals, and child recruitment. Inadequately controlled arms flows to parties in armed conflict facilitate civilian harm and atrocities against civilian populations, prolonging wars and hampering the delivery of life-saving humanitarian aid. Furthermore, these transfers can lead to long-term insecurity, including gender-based and sexual violence, which hinders post-conflict reconstruction and socio-economic development.[3]

Throughout the 2000s, the consequences of US arms transfers for civilians have been felt especially starkly in Yemen, where the Saudi- and Emirati-led coalition relied on US munitions and other support in attacks that human rights groups described as war crimes,[4] and Gaza, where the Israeli military has used US weapons in acts that leading human rights organizations have concluded amount to genocide and crimes against humanity.[5] While the impacts of US arms transfers to Israel and Saudi Arabia have been especially visible, the human consequences of US arms sales are felt across the world. Across Latin America, the illicit flow of US-made firearms contributes to epidemics of armed violence.[6] In Afghanistan, the US military armed and supported armed actors credibly accused of serious human rights violations.[7] Police forces across the world use US crowd control equipment and less-lethal weapons to suppress peaceful protests.[8] In other cases, the United States government has failed to use the leverage that its arms sales and military aid provide to prevent atrocities. Sudan provides a particularly powerful example: the United Arab Emirates has for years been found to have armed the Rapid Support Forces, a non-state armed group that human rights groups and the US government have concluded committed genocide,[9] but US arms sales to the UAE continue unabated.

At the same time, recent years have demonstrated the shortcomings of executive branch policy on US arms transfers. For example, the Biden administration's Conventional Arms Transfer policy and National Security Memorandum 20 both established, on paper, strong standards and safeguards to protect civilians and comply with international law in US arms transfers.[10] In practice, these standards were ignored in favor of a policy of near-unconditional support for the government of Israel despite clear violations of US law and policy. The US experience in Gaza illustrates how policy, absent political will and external enforcement, does not deliver accountability.

As a result of these policy failures, this report turns to legislative proposals to fundamentally reform the US arms transfer process in an enduring, enforceable way. Beyond the political will problem exemplified in the Biden administration's Gaza policy, legislation is more durable than policy. Arms transfer policy in the 2010s and 2020s has a short shelf life: each administration since President

Obama's has overturned the Conventional Arms Transfer of their predecessor.[11] The Trump administration has also rescinded most of the Biden administration's policies intended to protect civilians in US arms transfers. Policy commitments are made and broken with the stroke of a pen. Legislation, by contrast, is the result of deliberation, debate, and compromise. Legislation remains in effect until Congress actively chooses to repeal or override it. It also has greater authority than policy; policy frameworks promulgated by the executive branch must comply with law enacted by Congress.

Central to this agenda is the idea that US arms transfer law and policy should be accountable and responsive, meaning that behavior should result in real consequences that change outcomes. Accountability in the arms trade refers to a number of relationships. First, recipients of US weapons should not continue to receive such weapons if they use them to commit war crimes or violate human rights. Second, the US government must be accountable to Congress, which has authorized the executive branch to oversee the arms export process. Third, the US government should be accountable to the US public, including by demonstrating transparency. Transparency enables legislators and the public to understand US arms transfer trends and, when applicable, scrutinize US arms transfer decisions. This oversight plays a critical role in holding the US government accountable for its arms transfer decisions, which in turn helps hold arms recipients accountable for their conduct. The rule of law helps ensure that US statutes and international law designed to promote accountability are implemented such that they influence the decisions of the US government.

Policy commitments are made and broken with the stroke of a pen. Legislation, by contrast, is the result of deliberation, debate, and compromise.

This report comes at a time when the US arms trade and its human consequences are subject to intense public scrutiny. Public opinion data from recent years reflects growing discomfort among Americans with US arms transfer practices. During the Saudi-led war in Yemen, polling from 2018 showed that Americans across party lines opposed US arms sales to Saudi Arabia.[12] A 2019 Chicago Council on Global Affairs survey found that seven in ten Americans, including majorities across partisan lines, believed that selling weapons to other countries makes the US less safe.[13] That skepticism has only deepened in the context of specific conflicts. When the Biden administration approved a $650 million sale of air-to-air missiles to Saudi Arabia in late 2021 despite the ongoing humanitarian catastrophe in Yemen, a Data for Progress poll found that voters opposed the sale by a 39-point margin, with opposition nearly identical across Democrats, Independents, and Republicans at 37, 40, and 38 points, respectively.[14] Critically, the opposition held, even after respondents were presented with the administration's own arguments in favor of the sale.[15]

A June 2024 CBS News/YouGov poll found that 61 percent of American adults said the US should not send weapons to Israel, including 77 percent of Democrats and nearly 40 percent of Republicans – a figure that has grown steadily from 52 percent in October 2023, shortly after Israeli operations in Gaza began, to 60 percent by April 2024.[16] A December 2023 Data for Progress poll found that 63 percent of voters agreed that military aid should be conditioned

on whether recipients meet human rights standards. An August 2024 Chicago Council poll similarly found that 53 percent of Americans, including 68 percent of Democrats, believed the US should restrict military aid to Israel to prevent its use against Palestinian civilians.[17] Most recently, polling by IMEU Policy Project and YouGov found that a majority of voters in six key swing states - Georgia, Iowa, Maine, North Carolina, Ohio, and Texas - approve of measures to block the transfer of bombs to Israel.[18] These figures suggest that the accountability framework this report proposes reflects not only a legal obligation but also the considered preferences of a majority of the US public, which Congress represents.

This report presents legislative recommendations designed to achieve the following outcomes:

1. Reclaim congressional authority over major arms transfers;
2. Assess civilian harm and human rights risks in arms transfers;
3. Track the use of US weapons in civilian harm;
4. Implement and enforce existing US law;
5. Restrain firearms exports;
6. Support international consensus around banned weapons; and
7. Improve transparency.



1 Reclaim Congressional Authority Over Major Arms Sales

The US Constitution allocates to Congress the authority to regulate exports, including exports of weapons, through the Foreign Commerce Clause.[19] Congress has delegated that authority to the president through legislation. The Arms Export Control Act (AECA) currently provides the framework for arms sales and structures the relationship between the legislative and executive branches.[20] Under the AECA, the executive branch both provides licenses to US companies to export weapons and directly enters into agreements with foreign companies to sell weapons.[21] The AECA requires the executive branch to notify Congress of major arms sales that exceed a specified value threshold.[22] Upon receiving a notification of a major arms sale, any member of the Senate can introduce and force a vote on a privileged joint resolution of disapproval (JRD) to block the notified sale.[23]

While joint resolutions of disapproval have at times played an important political and public messaging function, the framework provided by the AECA has never successfully been used to block a proposed arms transfer. No JRD has ever met the two-thirds majority of both congressional chambers required to successfully overcome a presidential veto.[24] The high threshold for passing JRDs has required congressional foreign policy committee leadership to improvise:[25] under "tiered review," an informal process developed by the chairs and ranking members of the Senate Foreign Relations and House Foreign Affairs Committees, the State Department informally notifies the leaders of each committee of proposed sales, at which point they can ask questions or place an informal "hold" on the sale in question.[26] Recent years have seen the weakening of these norms, as the Trump administration has disregarded informal holds[27] and undermined Congress's ability to introduce JRDs by invoking emergency authorities.[28] Meanwhile, the State Department has advocated for a reduction in arms transfer notifications by raising the dollar value that would trigger the notification process, which would significantly decrease public transparency while giving Congress fewer opportunities to pass joint resolutions of disapproval.[29]

RECOMMENDATIONS

With the framework governing congressional oversight of the arms trade in peril, Congress needs to reclaim its constitutional authority over arms exports. **While the current framework presumes that an arms sale should proceed absent a supermajority of Congress opposing it, Congress should instead require that it vote to affirmatively approve the riskiest sales**. In practice, this increases congressional oversight over a subset of the riskiest sales – defined by weapons type, destination, and monetary value – and changes the threshold for blocking a sale from two-thirds of both chambers of Congress to half of either chamber. This proposal is not new; it dates back to

the 1980s, when a Supreme Court decision required Congress to increase the de facto threshold for enacting a resolution of disapproval from a simple majority to a two-thirds majority.[30] Congress need not approve every individual sale; for example, uncontroversial sales could be bundled together for approval.



Model Legislation

- The National Security Powers Act and National Security Reforms and Accountability Act[31]

LEARN MORE

- John Ramming Chappell, "Think Big to Rein in the Arms Trade," *International Policy Journal,* 2025.
- Dan Mahanty and Annie Shiel, "Time to flip the script on congressional arms sales powers," *The Hill,* 2020.
- Lora Lumpe, "Arms Sales: The Case for Affirmative Congressional Approval," *Democracy Journal,* 2024.
- Arooshe Pahooja Giroti, "Made in the U.S.A.: The Constitutional Crisis Behind America's Arms Export Regime," *Georgetown Law Journal,* 2025.

2 Assess Civilian Harm and Human Rights Risks in Arms Transfers

Since 1977, the executive branch has guided arms transfer decisions through a Conventional Arms Transfer policy.[32] Recent iterations of the policy have included a list of objectives for arms transfers, a list of factors that should inform transfer decisions on a case-by-case basis, and a prohibition on proposed transfers determined to trigger a risk-based threshold.[33] Those factors include criteria related to economic priorities, human rights, national security, and other issues.

Conventional Arms Transfer policies have sometimes functioned more as bureaucratic box-checking exercises than as real mechanisms for preventing civilian harm and international law violations.[34] Conventional Arms Transfer policies are promulgated as non-binding presidential memoranda, meaning that they are easily rescinded and replaced. Each of the last four administrations has developed its own policy and overturned that of its predecessor.[35] A president can also choose to disregard their CAT policy as they see fit.[36] In practice, the aspect of the CAT policies with the most potential is the risk-based prohibition, which resembles similar structures in international law and the policies of other arms-exporting States. During the Biden administration, this provision stipulated that an arms transfer would not proceed if it was "more likely than not that the arms to be transferred will be used by the recipient to commit, facilitate the recipient's commission of, or to aggravate risks that the recipient will commit" a list of specified violations of international human rights and humanitarian law.[37] This marked an improvement from the first Trump administration's policy, which required "actual knowledge" that transferred arms would be used to commit a violation.[38] However, the Biden administration disregarded the standard and chose to continue arms transfers despite well-documented risks, as was the case with continued transfers to the government of Israel.

RECOMMENDATIONS

Congress should codify in law the "more likely than not" standard that was used in the Biden administration's Conventional Arms Transfer policy. Doing so would ensure greater stability and more consistent protection in the policy across administrations.

Congress should also require recipients of US arms to agree not to use these weapons in violation of human rights or international humanitarian law,[39] including by integrating these into standard letters of offer and acceptance.

Congress will also need to ensure that these restrictions amount to more than just words on paper. In conducting oversight, Congress should ensure that risk assessments look beyond a recipient's

formal promises to evaluate their actual conduct and systemic capacity and examine proposed recipients' records over time. Legislators should ensure that risk assessments draw from credible reports of independent organizations and the assessments of the US government, and that these risk assessments are updated in real time as new developments occur, such as the outbreak of new conflict. Finally, lawmakers should ensure that risk assessments are free from political interference.



Model Legislation

- Codification of Section 4 of National Security Memorandum 18, 2023
- SAFEGUARD Act Section 4 ("Misuse of Arms Sales for Human Rights Abuses")

LEARN MORE

- International Committee of the Red Cross, "Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria — A Practical Guide," 2017.
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- Laura Kilbury and Allison McManus, "From Policy to Law: Strengthening Arms Transfer Principles," *Center for American Progress,* 2024.
- Elias Yousif and Rachel Stohl, "Understanding the Evolution and Emerging Volatility of US Arms Transfer Policies," *Stimson Center,* 2026.

3 Track the Use of US Weapons in Civilian Harm

End-use monitoring of exported defense articles and services is required in Section 40A of the AECA.[40] The statute establishes programs to track how recipients of US security assistance comply with restrictions on the use, transfer, and security of US-origin items. It also requires agreement that the assistance is used only for the purposes provided under the AECA, including internal security, legitimate self-defense, civic action, or regional and collective security arrangements.

To implement Section 40A, the US government operates two primary end-use monitoring (EUM) systems: 1) the Golden Sentry program, managed by the Department of Defense, which monitors government-to-government foreign military sales; and 2) the Blue Lantern Program, managed by the State Department, which monitors commercial arms sales.[41]

Current EUM programs do not cover the *use* of US weapons, and imperfect policy reform efforts during the Biden administration have been rolled back. The primary concern underlying current EUM programs is ensuring the physical security of US assistance from diversion or the loss of sensitive US military and intelligence technologies to an adversary. The programs are designed to track where and to whom arms go and how they are secured, but lack the structure or resources to monitor whether the arms' operational use complies with US or international law.[42] These risks were exemplified by Saudi Arabia's use of US-supplied precision-guided bombs in civilian harm incidents in Yemen, including a strike on a school bus killing 40 children.[43] Although numerous civil society reports demonstrated the use of US-origin weapons in these deadly attacks, there existed no US monitoring program to assess these reports and inform a change in policy on their basis. A 2022 US Government Accountability Office (GAO) report found that the Defense and State Departments had "not fully determined the extent to which US military support has contributed to civilian harm in Yemen" and that the State Department "could not provide evidence that it investigated any incidents of potential unauthorized use of equipment transferred to Saudi Arabia or UAE."[44]

The Biden administration sought to address some of these gaps through various policy directives, including the Civilian Harm Incident Response Guidance (CHIRG), which followed the administration's Conventional Arms Transfer Policy. The CHIRG was a State Department policy framework to assess reports of civilian harm caused by US-origin weapons and inform transfer decisions.[45] The CHIRG process tracked nearly 500 reports alleging Israeli harm to civilians using US weapons during the Gaza war.[46] But it did not result in any meaningful policy change, and many cases remained unresolved as the Department awaited responses from Israel on each incident. The Trump administration discontinued the CHIRG process.[47]

RECOMMENDATIONS

Congress should enact a law to require a new EUM framework that meaningfully monitors the use of defense articles in civilian harm and establishes accountability mechanisms for breaches of US requirements, including violations of international law. For example, the Silver Shield Act, introduced in the House of Representatives in 2025, would require that if the State Department finds US weapons were used to commit genocide, crimes against humanity, grave breaches of the Geneva Conventions, or other serious violations of international humanitarian or human rights law, the recipient country must be formally declared ineligible for further US arms sales, with a 180-day deadline to complete such determinations. The program should draw from the lessons of Leahy vetting, the CHIRG, and similar programs. Implementing an additional EUM statute effectively would require Congress to allocate resources to the effort and the State Department to train or hire staff to carry out necessary monitoring based on open-source investigations and public reporting. As important as monitoring is ensuring that civil servants can objectively assess the law and policy consequences of reports gathered through EUM and implement it without political interference. If Congress enacts an operational EUM statute, it should then conduct rigorous oversight to ensure faithful implementation of the law.



Model Legislation

- Silver Shield Operational End Use Monitoring Act

LEARN MORE

- John Ramming Chappell and Kate Fin, "The Silver Shield Act: A Bill to Track Misuse of American Weapons," *Just Security,* 2025.
- Aidan Winn, Alisa Laufer, and Omar Danaf, "Expanding the Scope of End-Use Monitoring Policies to Address Operational Use of U.S.-Origin Weapons," *Rand Corporation*, 2025.
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4 Implement and Enforce Existing US Law

Longstanding statutes already provide key constraints on US arms transfers and security assistance. The Foreign Assistance Act of 1961 (FAA) and the Arms Export Control Act of 1976 (AECA) are the principal statutes governing arms transfers under US law, differing in when, why, and how they impose restrictions.[48]

For instance, several sections of the FAA prohibit the US from transferring security assistance to governments and security forces credibly implicated in human rights violations. Section 502B (22 U.S.C. § 2304)[49] bars security assistance to governments that consistently violate human rights and empowers Congress to terminate or restrict the delivery thereof through a joint resolution to recipient countries found to be in violation. Section 620M (22 U.S.C. § 2378d), also called the Leahy Law, prohibits assistance to any foreign security units credibly implicated in a gross violation of human rights.[50] Section 620I (22 U.S.C. § 2378–1) blocks security assistance to recipient countries directly or indirectly restricting the transport or delivery of US humanitarian assistance.[51]

In addition, Section 4 of the AECA (22 U.S.C. § 2754) requires that defense articles may only be sold or leased for authorized purposes, including legitimate self-defense, internal security, countering proliferation of weapons of mass destruction, and participating in defense arrangements approved by the United Nations.[52] Section 6 of the AECA (22 U.S.C. § 2756) disallows any sales, credits, or export licenses to countries engaging in intimidation or harassment of individuals in the United States.[53] The Child Soldiers Prevention Act prohibits certain security assistance to countries complicit in the recruitment or use of child soldiers.[54]

In other cases, the United States government – whether the legislative or executive branch – has imposed conditions on arms transfers and security assistance to a specific country. For example, security assistance to Egypt has been subject to human rights conditions specified in appropriations legislation.[55]

Both the President and Congress contribute to accountability failures under these laws and conditions. The executive branch has long resisted uniformly applying the FAA provisions to US security partners. For example, the State Department conducts Leahy Law vetting for security assistance to Israel through a uniquely complex, time-consuming, and high-level process that produces an impossibly high bar for ineligibility.[56] Information that would render security force units from any other country ineligible would be insufficient to render an Israeli unit ineligible.[57] The State Department has also interpreted US law in a narrow, politically expedient manner, declining to apply FAA Section 502B even when the annual human rights reports repeatedly identify widespread reports of gross violations of human rights, and contending that a country restricting US humanitarian aid is not in violation of FAA Section 620I unless it is blocking all US aid.[58]

Meanwhile, Congress has underused the statutory oversight mechanisms available to it in law and ceded relevant constitutional authority over foreign affairs to the executive branch, which

has dominated decisions concerning security assistance and arms transfers. After decades of overlooking Section 502B, lawmakers have only recently and sporadically used the statute to introduce resolutions requesting human rights reports. In January 2024, the Senate blocked one such resolution concerning Israel on a procedural vote.[59] In September 2026, the Senate rejected a motion to discharge a second Section 502B resolution from the committee, which sought information on the killing of US citizens and on human rights conditions in the West Bank, by a vote of 47 to 51.[60] Congress has never adopted a section 502B joint resolution restricting security assistance.[61] As noted above, Congress has likewise never successfully blocked an arms sale through the AECA's joint-resolution-of-disapproval mechanism, despite repeated attempts to do so.[62]

RECOMMENDATIONS

Congress should utilize statutory restriction and oversight mechanisms more frequently, including country-specific measures that apply and operationalize the principles established in generally applicable laws. **Appropriations conditions and restrictions** offer a particularly powerful tool at Congress's disposal. Congress should also use different legal tools in tandem to raise pressure on the executive branch and problematic recipients of security assistance, including by **requiring targeted reports authorized under Section 502B(c)** to scrutinize proposed sales and, where necessary, restrict future transfers.

Finally, Congress should also strengthen implementation of existing laws through further clarification and requirements, including:

- Make clear that the **approved purposes of arms sales delineated in the AECA** do not include violations of international law;
- **Clarify the application of the Leahy laws to all arms transfers, including sales,** in light of problematic State Department interpretations that exclude arms sales from Leahy vetting;[63]
- Require the development and implementation of a **vetting process and reporting structure for Section 620I** of the Foreign Assistance Act, similar to the statutory processes developed for the Leahy laws;
- **Revise House rules to allow privileged votes on JRDs and 502B resolutions** by clarifying, for the purposes of the rules of the House of Representatives, the application of Section 601(b) of the AECA to the House; and
- **Explore options to address barriers that presently render it nearly impossible to legally enforce US arms transfer laws**,[64] including by creating a private right of action for victims of crimes using US-origin weapons and ensuring judicial review of executive branch failures to enforce existing law.



Model Legislation

- SAFEGUARD Act Sections 4(c) ("Authorized Purpose for Military Sales") and 7 ("Limitation on Sales to Security Forces Involved in Gross Violation of Human Rights")

LEARN MORE

- Brittany Benowitz and John Ramming Chappell, "Human Rights, Civilian Harm, and Arms Sales: A Primer on U.S. Law and Policy," *Center for Civilians in Conflict,* 2022.
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5 Restrain Firearms Exports

Guns from the United States have fuelled an epidemic of armed violence and violent crime in the Western Hemisphere. Data from the US Bureau of Alcohol, Tobacco, and Firearms showed that "from 2019 to 2024, roughly two-thirds of firearms recovered in Mexico and submitted for tracing were sourced to a sale in the United States."[65] Domestic US firearms policy, illicit trafficking, and approved exports all contribute to the problem.

In 2020, the Trump administration transferred licensing authority for many semi-automatic and non-automatic firearms – along with their ammunition and accessories – from US Munition List (USML) Categories I-III to the Commerce Control List (CCL). That distinction carries real consequences: items on the USML require congressional notification and fall under State Department jurisdiction, while those on the CCL do not require congressional notification and are subject to markedly less rigorous licensing standards.[66] The consequences of that jurisdictional shift are measurable: a February 2025 GAO report found that the value of firearms exports rose 7 percent (from $960 million to $1.03 billion), in the three years after the shift to the Commerce Department, with growth concentrated in sales to resellers in countries at high risk for weapons diversion. The Commerce Department's approval rate under its lighter review standard averaged 94 percent, compared to the State Department's 82 percent under the old system. The GAO also found that the Commerce Department lacked dedicated personnel to monitor how exported firearms are actually used once they reach high-risk regions.[67]

The human cost of this loosened oversight is heavily borne in the Western Hemisphere. US-sourced firearms account for 75 percent of firearms recovered in the Dominican Republic and 70 percent of those recovered in Mexico, where US guns were connected to the 2023 murder and kidnapping of four American citizens in Matamoros.[68] Critically, this is not solely an illicit smuggling problem: a 2022 GAO report found nearly 20 percent of recovered US crime guns in Central America were traceable to licensed, legal exports; this number rose to over 40 percent in the Dominican Republic and over 60 percent in Belize.[69] In one case, a firearm legally exported to Peru under a commerce license was used to assassinate a presidential candidate in Ecuador.[70]

Guatemala provides a tragic case study in this trend. In 2023, the country became the largest Latin American importer of US firearms. In 2024, two-thirds of US-sourced weapons recovered from Guatemalan crime scenes traced back to legal US exports. Over the same period, the Department of Homeland Security reported more than 200,000 Guatemalans seeking refuge in the United States, linking loosened export controls directly to the violent crime, regional instability, and displacement.[71]

US firearms export policy has oscillated dramatically in recent years. In April 2024, the Commerce Department tightened its rules, requiring heightened human rights and security safeguards for semi-automatic and sniper rifles and instituting a "presumption of denial" for commercial transactions in countries identified as high-risk of firearms diversion.[72] These changes had an impact: after the policy took full effect, handgun and semi-automatic rifle exports to Guatemala fell to near zero, and the sales to the 36 flagged countries slowed to a trickle.[73] In September 2025, however, the Commerce Department abruptly rescinded nearly all of these provisions, restoring the looser 2020 standard.[74]

RECOMMENDATIONS

The dramatic shifts in firearms export policy across the last three administrations demonstrate the necessity of enduring legislation. **Congress should pass the Americas Regional Monitoring of Arms Sales (ARMAS) Act to transfer small arms export authority from the Commerce Department back to the State Department, restoring congressional notification and stricter human rights review.** The US government should also develop a comprehensive, State Department-led strategy to disrupt arms trafficking and diversion, including an end-use certification requirement for arms sales and strengthened end-use monitoring. Until the State Department reclaims oversight of firearms exports, Congress should prohibit the Department of Commerce from actively promoting small arms sales abroad.



Model Legislation

- ARMAS Act of 2025

LEARN MORE

- Nate Smith, "U.S. Guns Are Fueling Violence in Central America, Here's How to Help Stop the Arms Flow," *Just Security,* 2023.
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- Amanda Klasing and Susan Waltz, "This is Not the Time to Relax the Rules on U.S. Firearms Exports," *Amnesty International USA,* 2026.
- US Government Accountability Office, "Export Controls: Improvements Needed in Licensing and Monitoring of Firearms," 2025.

6 Support International Consensus Around Banned Weapons

Anti-personnel Landmines and Cluster Munitions

US policy has backslid sharply in recent years on two of the most indiscriminate weapons in modern warfare: **anti-personnel (AP) landmines** and **cluster munitions**. AP landmines are victim-activated explosives that detonate from the mere presence, proximity, or contact of a person, while cluster munitions disperse dozens or hundreds of smaller submunitions over a wide area, a significant share of which fail to detonate on impact and pose risks to civilians, and especially children, for years afterward.[75] AP landmines and cluster munitions are banned by most countries because they cannot distinguish between combatants and civilians. In 2024, civilians accounted for 90 percent of all landmine casualties, with children representing 46 percent of those victims.[76] Cluster munitions are even more lethal to civilians, who represented 87 percent of recorded casualties in 2025.[77]

Despite an international consensus to ban these weapons on humanitarian grounds reflected in the 1997 Mine Ban Treaty and the 2008 Convention on Cluster Munitions (CCM), recent years have seen an unprecedented erosion of these norms.[78] In 2024 and 2025, the world witnessed the renewal of international transfers of these banned weapons and the withdrawal of several European states from these treaties, creating a "race-to-the-bottom" in humanitarian standards.[79]

While manufacturers claim cluster munition failure rates between 2 and 5 percent, mine clearance specialists frequently report rates of 10 to 30 percent of submunitions failing to detonate on impact.[80] These unexploded ordnance (UXO) become de facto landmines that terrorize communities for decades, restricting land use for agriculture, schools, homes, and businesses. Survivors often face permanent disability, including double or triple amputations, and suffer from long-term psychological trauma like post-traumatic stress disorder and depression.[81]

The United States remains a significant outlier: collectively, more than 160 countries are party to the Mine Ban Treaty or the CCM, including nearly all of its NATO allies, yet the US has acceded to neither.[82] That gap has widened rather than closed since 2022, when the Biden administration briefly moved to align US policy with the Mine Ban Treaty.[83] In July 2023, the Biden administration reversed its course, approving the first of several cluster munition transfers to Ukraine.[84] In late 2024, the US sent Ukraine "non-persistent" AP landmines, ending a 32-year pause on AP landmine exports.[85] In December 2025, the Trump administration issued a policy reversing the geographic restriction that had confined authorized landmine use to the Korean Peninsula, authorizing landmine deployment anywhere in the world.[86] In August 2026, Türkiye requested permission from the United States to "retransfer" tens of thousands of US-origin cluster munition rockets, missiles, and artillery projectiles to Ukraine.[87]

RECOMMENDATIONS

Recovering from backsliding on landmine and cluster munition policy will require legislative action. The United States should move toward accession of the Mine Ban Treaty and the Convention on Cluster Munitions, which will require the advice and consent of the Senate. In the meantime, **Congress should enact a permanent statutory ban on the development, production, stockpiling, and transfer of anti-personnel landmines and cluster munitions without geographic exceptions or waiver authorities.** Congress should also require that the Department of Defense publicly provide a clear timeline for the destruction of its existing landmine and cluster munitions stockpiles. Finally, Congress should increase funding for international clearance and victim assistance programs.



Model Legislation

- Proposed Amendment to the FY24 National Defense Authorization Act on the Prohibition of Cluster Munitions

LEARN MORE

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Lethal Autonomy

Congress should also engage in emerging international debates on a new proposed weapons ban: the **ban on lethal autonomy.** In recent years, militaries have increasingly integrated artificial intelligence (AI) into lethal targeting and moved toward the development and use of lethal autonomous weapons systems (LAWS), which can independently select and engage targets without further intervention by a human operator. The central concern with lethal autonomy is that removing human judgment from decisions to use force risks violating the principles of distinction and proportionality. Current US policy[88] does not prohibit the development or employment of LAWS, and senior officials have indicated the United States may be compelled to develop them if competitors do so. In parallel with moves toward autonomy, the US military is increasingly integrating AI tools into its operations and targeting decisions.[89]

States and civil society organizations continue to push for a binding treaty restraining LAWS. In 2023, the UN Secretary-General and the President of the ICRC jointly called on States to conclude a legally binding instrument establishing clear prohibitions and restrictions on autonomous weapon systems by the end of 2026.[90] After nine years of talks, the CCW's Group of Government Experts (GGE) on LAWS has developed a "rolling text" reflecting areas of convergence,[91] but the GGE operates by consensus, allowing states such as the United States, Russia, and Israel to block substantive movement toward a binding outcome.[92]

RECOMMENDATIONS

The United States should engage with international negotiations with an eye toward signing a treaty. Eventual ratification of an instrument would require the advice and consent of the US Senate. In the meantime, **Congress should institute a binding statutory framework that requires and defines meaningful human control of the use of lethal force.** Beyond banning lethal autonomy, Congress should also delineate how the military uses AI, particularly in targeting, and mandate measures to evaluate and mitigate risks.



Model Legislation

- Human Authority Over Autonomous Weapons Act of 2026

LEARN MORE

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7 Improve Transparency

A combination of law, policy, and practice governs how the executive branch discloses information regarding arms transfers to the public. Section 38(e) of the AECA requires the State Department to publicly disclose the countries, types, and quantities of defense articles licensed for export through the direct commercial sales (DCS) process. The executive branch must also notify Congress of proposed foreign military sales above specified dollar thresholds and report annually on DCS in the Section 655 report.

Publicly available information about the arms trade enables public engagement on arms trade issues, research on trends, and investigations in cases of misuse. Civil society organizations have used Section 655 reporting to uncover illegal arms diversion and flag risky sales before they proceeded, in at least one case helping prompt Congress to restrict a sale.[93] And as researchers at the Stimson Center have noted, transparency is not only a requirement of effective oversight, but also essential to enabling evidence-based decision-making and ensuring that security assistance is effective and meets its stated goals.[94]

Transparency regarding US security assistance and arms transfers has significantly declined. For example, while DCS congressional notifications and Section 655 reports once specified the type, model, and quantity of individual weapons sold, current reports disclose only broad US Munitions List categories that can each encompass thousands of distinct items, and the State Department has published the dollar value of only five or six DCS notifications in its press statements over the past several years. Annual reporting on foreign military sales (FMS) from the Defense Security Cooperation Agency's "Historical Sales Book" also fails to provide key information such as information on the specific weapons systems or platforms sold under FMS and the stage of the transfer process reflected in the report – a shift from earlier years.[95] Reporting on taxpayer-funded security assistance – including security assistance provided through the Department of Defense under Title 10 authorities – has followed the same trajectory.[96] The Congressional Budget Justification, once a vehicle for country-level accounting, provided detailed figures for only four countries in 2026 (Egypt, Jordan, Israel, and Taiwan) while requesting billions of dollars in flexible funding.

This decline reflects a deliberate policy choice, not merely degraded reporting capacity. Recent Conventional Arms Transfer policies from Democratic and Republican administrations alike have paid rhetorical tribute to transparency while eroding it in practice. The result is that lawmakers, researchers, and civil society organizations increasingly lack the basic facts needed to assess the risks, trends, and consequences of US arms transfers, even as the volume of those transfers continues to grow.

RECOMMENDATIONS

Congress should mandate increased transparency on arms transfers, including by:

- Mandating public, internet-accessible information on all **DCS and FMS notifications**, including the defense article or service being proposed for sale or license, the recipient, and the anticipated dollar value of the sale;
- Requiring annual **Section 655 reports** and the **Historical Sales Book** to disaggregate by individual sales and/or licenses, including information on countries and weapons types;
- Requiring all **Congressional Budget Justifications** to provide details on previous fiscal year actual expenditures by program and country as well as details on proposed programs, dollar value, and activities by country.

Congress should also reject further increases to the dollar threshold that trigger congressional notification of arms sales, which would shield even more sales from public view.

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