

How Trump is Sidestepping Congressional Oversight for Government Arms Sales

In declaring that an emergency exists under the [Arms Export Control Act](#), the Trump Administration waived the congressional review requirements that are part of the U.S. arms sales process. Secretary of State Pompeo certified that an **emergency exists** requiring immediate provision of certain defense systems to Saudi Arabia, the United Arab Emirates, and Jordan in the national security interest of the United States. Such transfers, through Foreign Military Sales (FMS) or Direct Commercial Sales (DCS), "must occur as quickly as possible in order to deter further Iranian adventurism in the Gulf and throughout the Middle East." This infographic provides a simplified overview of the FMS, or government-to-government arms sales, process and illustrates the steps that were bypassed through the Trump Administration's emergency declaration. See our DCS process, or arms sales between a U.S. manufacturer and a non-U.S. purchaser, [infographic here](#).

Start here



U.S. and purchasing government define partner's defense needs and required defense articles or services.



Purchasing country issues letter of request.



The DSCA leads on evaluating the request and formulating a Letter of Offer and Acceptance.

PRESIDENT'S DECISION BYPASSES CONGRESSIONAL REVIEW



President declares an emergency that necessitates the immediate issuance of a Letter of Offer to recipient country.

The Foreign Military Sales program is overseen by the State Department and administered by the Defense Security Cooperation Agency (DSCA)



State and DoD provide prior consultations or informal notifications to Congress. This allows Congress to address concerns regarding the proposed sale before it is formally notified and made public.



DSCA is authorized to enter into a sales agreement after approval of all other government agencies, including the State Department.



If Congress does not take action within 30 calendar days, the sale is allowed to proceed.



By law, Congress receives formal notification and has 30 days to review, modify, and/or block the transaction.



Sale authorized to proceed.

Though infrequent, there have been several other instances in which the President has invoked emergency authorities to bypass congressional review of arms sales. See some [examples here](#).



Congress can block a sale by passage of a joint resolution of disapproval, forcing the President to either acquiesce or veto.