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## **It's True, Joe Biden Used to Be Right About Weapon Sales**

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U.S. arms transfers have become a salient issue during the Biden administration given the Saudi-led war in Yemen, the Russian invasion of Ukraine, and continued sales to risky neighbors. Over the past few weeks, the Biden administration has had to balance supporting Ukraine from a brutal attack while also trying to prevent concerns over weapons dispersion to dangerous groups outside of the country. The administration announced that it is sending \$400 million more to Ukraine through the Ukraine Security Assistance Initiative. Additionally, Saudi Arabia's ongoing war in Yemen continues to expand, which continues in part because of large U.S. weapons sales to the Saudis and their allies.

As we have written about numerous times, the administration's policy is not reducing risk in arms transfers. Ironically, Biden had the right idea about arms sales in the 1980s. Specifically, during the authorization of the Foreign Assistance Act for 1986 and 1987, then-Senator Joe Biden proposed an amendment that would prohibit "military and paramilitary aid" to the Nicaraguan Contras—a rebel group that was receiving aid from the Reagan administration to fight the communist Nicaraguan Sandinista government. In his defense of the amendment, Biden raised four points that should be considered in his administration's military aid policy.

First, the amendment proposed providing humanitarian aid instead of military aid. Specifically, Biden said that humanitarian aid will, "ipso facto help the Contras militarily because it will help them economically." He argued that the United States would provide this aid, "because we wish at this time to confer on the Nicaraguan resistance some measure of legitimacy and practical assistance without affirming the political and moral commitment entailed by overt military support."

As we have previously discussed, the past eight years of U.S. arms sales to Saudi Arabia and its coalition partners has directly tied the United States to the human rights abuses in Yemen. Despite numerous reports about the Saudis targeting civilians with U.S. weapons, Washington's solution has been to send more weapons, creating a vicious cycle of killing. For Yemen to truly begin recovering, U.S. policymakers need to address the underlying problems and push for peace and

offer humanitarian aid to Yemen. In doing so, the United States can disentangle itself from the “moral commitment” while offering “practical assistance.”

Second, Biden noted that “Congress shall consider further aid to the Nicaraguan opposition only if the opposition has acted effectively to remove from its ranks those persons who have engaged in serious abuses of human rights.”

Concern over human rights is a contemporary problem in Biden’s current foreign policy. Despite claiming that the government would more carefully consider a weapons recipient’s human rights record, Biden has sold arms to countries where weapons dispersion is known to lead to civilian casualties, where there is slave-like labor conditions for noncitizens, where they are fighting in violent warzones, and where there is a risk that the government uses military strength to suppress human rights. The damage from this is mitigatable if Biden simply considered human rights before transferring weapons.

Third, Biden’s 1985 proposed amendment would have required both sides to negotiate before the United States would send aid to the Contras or offer sanctions relief to the Nicaraguan government. As Biden stated, “the amendment seeks to promote negotiations by conditioning the availability of this aid on the demonstrated willingness of the administration and of the Contras to enter into talks with the Nicaraguan government.” Further, “the amendment offers to the Sandinista government certain inducements to negotiation by providing for a suspension of the U.S. economic embargo if the Government of Nicaragua enters into a ceasefire and negotiations with opposition forces.”

Admittedly, the situation in Nicaragua was vastly different from what is happening now in Ukraine, where neither side has much incentive to stop fighting. Russia is a great power with the ability to fight a protracted war, and Ukrainian forces have exceeded all expectations and stopped Moscow from winning. Domestically, too, the situations diverge. There are serious bureaucratic dilemmas that prevent Washington from offering this sanctions relief. In essence, Congress needs to remove any sanctions that are public law, which makes any sanction relief promises difficult to implement.

Nonetheless, absent a total nuclear strike, a regime change in either country, or other drastic exogenous shocks, the most likely way any war will end is through negotiations. To this end, it is important for the United States to start thinking about how it can condition both arms transfers to Ukraine and sanctions relief to Russia on attempts at ceasefires and negotiations, not dissimilar to what Biden attempted in 1985.

Finally, in this 1985 defense of his proposed amendment, Biden noted that collaboration between Congress and the president leads to a policy that works “by blending the administration’s emphasis on military aid with congressional emphasis on the practical reality that popular support in a civil war cannot be won by death squads.”

Once again, President Biden should listen to Senator Biden. He has had ample opportunity to pass legislation that would “flip the script” and empower Congress to stop dangerous weapons transfers. Yet, President Biden has continuously failed to seize the opportunity. The administration

has not even released its conventional arms transfer policy, where among other things, he could advocate for this “flip the script” legislation.

Ultimately, Biden’s amendment failed to pass in 1985, winning only 22 other senators. Nonetheless, as president, he has power to implement these policies. Someone should remind Biden of what he once believed and encourage him to look to his 1985 self and attempt to change U.S. arms transfer policies for the better.