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Rubio Declares Emergency to Push \$23B in Gulf Arms Sales Past Congress

The Arms Export Control Act lets the executive bypass lawmakers in a crisis — but critics say this emergency was the administration's own creation

By [Wayne Dupree](#)
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Marco Rubio

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NEED TO KNOW

- *Secretary of State Rubio invoked emergency authority to approve 11 arms packages for the UAE, Kuwait, and Jordan*
- *Some deals hadn't even been formally submitted to Congress before the emergency declaration bypassed review*
- *Trump used the same legal mechanism in 2019 — it triggered a federal investigation and bipartisan attempts to block the sales*

WASHINGTON, D.C. (TDR) — The [Trump administration](#) invoked wartime emergency powers Friday to force through more than \$23 billion in [arms sales](#) to the UAE, Kuwait, and Jordan — bypassing the congressional review process that governs foreign weapons transfers.

The big picture: The move is the latest in a pattern of executive action that has sidelined [Congress](#) at every critical juncture of the Iran war — from launching the strikes without authorization to funding and arming the conflict through emergency declarations rather than legislative approval.

- Secretary of State [Marco Rubio](#) declared "an emergency exists requiring the immediate approval of critical arms transfers for Middle East partners currently under attack by Iran," invoking Section 36(b) of the [Arms Export Control Act](#)
- The 11 packages span THAAD missile defense systems, counter-drone technology, air-to-air missiles, Patriot radar systems, Chinook helicopters, and F-16 upgrades
- Gulf states have sustained significant damage: Saudi Arabia intercepted eight ballistic missiles in a single night; Iran struck the SAMREF Refinery on the Red Sea coast and targeted Port Yanbu, the kingdom's main oil export terminal

Why it matters: Congress is constitutionally required to authorize war and control the purse — but the administration has now started the war, funded it, armed it, and expanded it without a single binding vote from lawmakers.

- The war itself was launched Feb. 28 without congressional authorization; a [War Powers resolution](#) to halt it failed 212-219 in the House, with only one member of each party crossing the aisle
- The Pentagon has sent a [\\$200 billion war funding request](#) to the White House that has not yet been formally transmitted to Congress

- Some of the arms packages approved Friday had not even been submitted to Capitol Hill for the standard 30-day review before the emergency waiver made that review irrelevant

Driving the news: The State Department moved quietly but quickly — announcing the packages Thursday and Friday as Iranian drone and missile strikes continued hitting Gulf infrastructure.

- UAE package — over \$8.4 billion total: \$4.5B for THAAD long-range discrimination radar, \$2.1B for FS-LIDS counter-drone systems, \$1.22B in advanced air-to-air missiles, \$644M in F-16 munitions and upgrades
- Kuwait package — \$8 billion: lower-tier air and missile defense sensor radars designed to track high-speed targets and feed missile defense networks
- Jordan package — \$70.5 million: aircraft and munitions support
- Defense Secretary [Pete Hegseth](#) praised Gulf states Thursday for bringing themselves "squarely into our orbit" through their support of the U.S. war effort

What they're saying: The legal authority is real — but the legitimacy of invoking it is contested on both sides of the aisle.

- Rep. Gregory Meeks, D-N.Y., ranking member of the House Foreign Affairs Committee, on an earlier emergency arms declaration for Israel — "This is an emergency of the Trump administration's own creation. What is the endgame? What preparations have been made to protect American citizens in the region? And how much will this war cost the American people? The administration has provided no credible answers."
- Rep. Thomas Massie, R-Ky., who co-sponsored the failed House War Powers resolution alongside Rep. Ro Khanna, D-Calif. — called the original Iran strikes "acts of war unauthorized by Congress" and has consistently argued the executive branch has exceeded its constitutional authority
- Defense Secretary Hegseth, Pentagon briefing — Iran's "reckless" counterattacks have brought Gulf states "squarely into our orbit," framing the arms sales as a natural extension of an allied war effort rather than a unilateral executive decision

Yes, but: The emergency authority being invoked here is legal — and both parties have used it.

- The [Arms Export Control Act](#) explicitly permits the executive to bypass congressional review when the secretary of state certifies an emergency — it is not a novel or disputed interpretation of the law
- Former President Biden invoked the same emergency powers twice during the Gaza conflict to sell weapons to Israel, also bypassing congressional review
- Trump used the identical mechanism in 2019 to push \$8 billion in Gulf arms sales — it triggered a federal investigation and bipartisan resolutions to block the deals, but the sales ultimately went through

Between the lines: The pattern here is not just about arms sales — it's about a war being conducted entirely through executive emergency declarations, with Congress reduced to a spectator.

- Every major financial and military decision in the Iran war has been framed as an emergency: the war itself, the oil sanctions waivers on Iranian and Russian crude, the Strategic Petroleum Reserve release, the Jones Act waiver, and now the arms sales — each invoking executive authority that sidesteps the legislative branch
- The [War Powers Act](#) gives Congress the theoretical ability to force a halt after 60 days without authorization; that deadline is approaching, and there is no indication leadership in either chamber intends to act on it
- Gulf states requested interceptor replenishment directly — their ambassadors met with House Foreign Affairs Committee leaders Wednesday, the same day the emergency packages were being finalized, suggesting the congressional notification was consultative rather than substantive

What's next:

- The 60-day War Powers clock, which started Feb. 28, runs out at the end of April — watch for whether any member of Congress formally demands a vote before that deadline
- Saudi Arabia has not yet received an emergency arms package; its Aramco refinery and oil export terminal were both hit this week — a package for Riyadh may follow
- The Pentagon's \$200 billion war funding request still needs to go to Congress; Senate Majority Leader Schumer has already signaled Democratic opposition
- Watch for legal challenges to the emergency declarations — [Rep. Meeks](#) and other Democrats on the House Foreign Affairs Committee have signaled they believe the administration is misusing the emergency authority

If emergency powers can be used to start a war, fund it, arm it, and expand it without a single binding vote from Congress — what role does the legislature actually play in American military decisions anymore?

Sources

This report was compiled using information from [Mediaite](#), [Al-Monitor](#), [Reuters via U.S. News](#), [The Hill](#), [NPR](#), [Times of Israel](#), and the [State Department](#).

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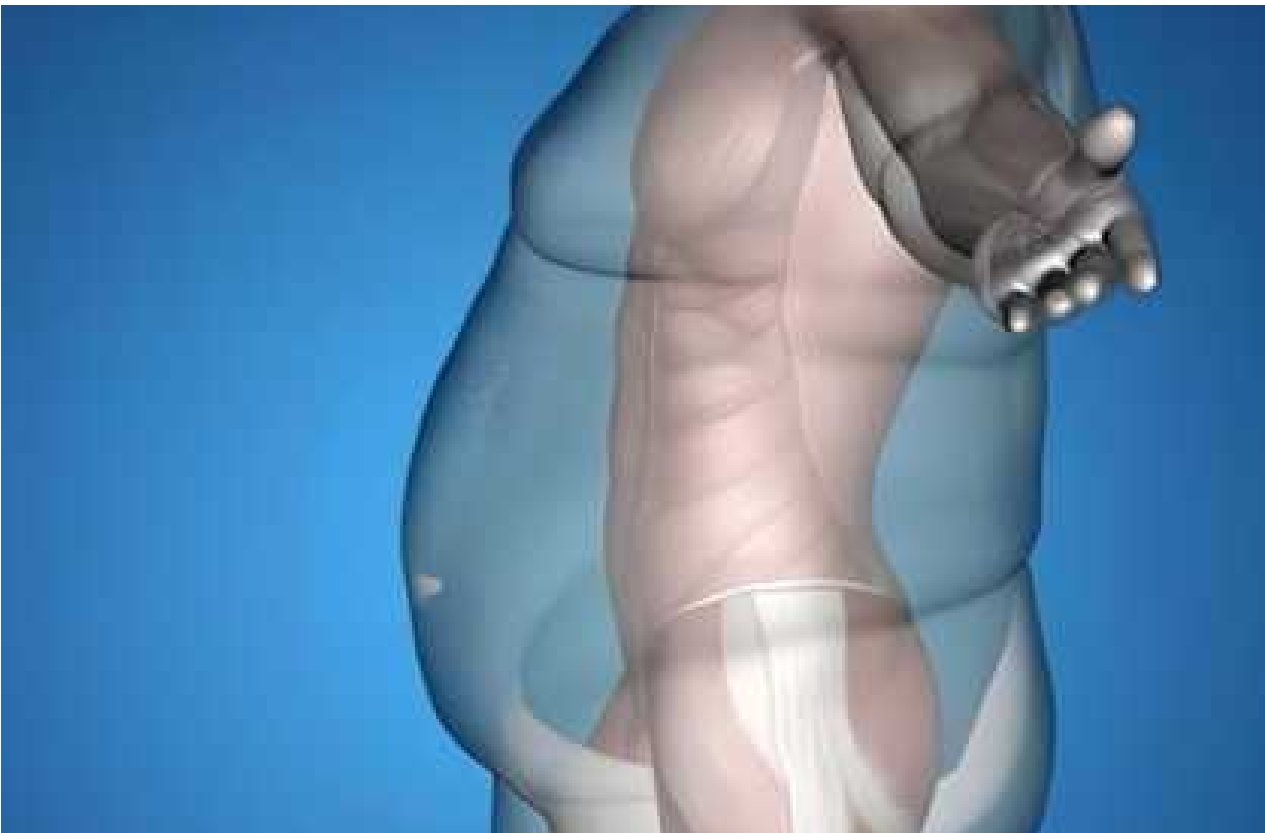
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