

# THE GLOBAL TRADE LAW JOURNAL

Volume 3, Number 1

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# Democrats on House Arms Sales Task Force Introduce Bill to Prevent Use of U.S. Weapons in War Crimes

W. Benjamin Phillips III\*

*In this article, the author summarizes a bill introduced in the U.S. House of Representatives that would monitor whether U.S. defense articles are used to inflict civilian harm or otherwise violate international humanitarian and human rights law.*

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The House Foreign Affairs Committee's Arms Sales Task Force has introduced a bill called the Silver Shield Operational End Use Monitoring Act (Silver Shield Act of 2025) to monitor whether U.S. defense articles are used to inflict civilian harm or otherwise violate international humanitarian and human rights law. This article provides a summary of the bill.<sup>1</sup>

## The Bill

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The Silver Shield Act of 2025 seeks to establish an operational end-use monitoring program, known as the Silver Shield program, that tracks whether U.S. defense articles sold, leased, transferred, or exported under the Arms Export Control Act or the Foreign Assistance Act are used to inflict civilian harm or otherwise violate international humanitarian and human rights laws.

The Silver Shield program has three key requirements:

1. Monitor whether there is credible information a recipient used U.S. defense articles or services to inflict civilian harm or violate international humanitarian or human rights law;
2. Determine through operational end-use monitoring whether U.S. defense articles or services were used to commit genocide, crimes against humanity, grave breaches

- of the Geneva Convention, or other serious violations of international humanitarian or human rights law; and
3. Require a determination of ineligibility within 180 days of an affirmative finding of violations.

The Silver Shield program would be established in the U.S. Department of State and implemented through coordination with the Bureau of Democracy, Human Rights, and Labor; the Bureau of Political-Military Affairs; the Office of the Secretary of Defense; the Defense Security Cooperation Agency, the Civilian Protection Center of Excellence; and any other federal department the president deems relevant.

Additionally, the Silver Shield Act of 2025 would require the implementing agencies to periodically consult federally funded research and development corporations, non-governmental organizations, academic institutions, and an external advisory board comprised of academic and non-governmental experts in investigating end-use monitoring on research methodology and investigative best practices by the implementing agencies. The Silver Shield program would be considered an administrative service and an operational cost of the Foreign Military Sales (FMS) and Foreign Military Financing programs.

Finally, the Silver Shield Act of 2025 would impose annual reporting requirements on program costs and personnel numbers, resource constraints, numbers and range of operational end-use monitoring of U.S. arms transfers, number of identified incidents that have not yet been investigated, and number and status of ongoing investigations.

If passed, the Silver Shield Act of 2025 would require the president to establish the Silver Shield program within one year of enactment. The Silver Shield Act of 2025 also would require the Secretary of State to submit a report on implementation resources, staffing, and authorities to Congress within 180 days of enactment.

## Conclusion

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The Silver Shield program continues the U.S. government's efforts to overhaul the defense articles transfer system. The House Foreign Affairs Committee previously established a Technical, Industrial, and Governmental Engagement for Readiness (TIGER)



Task Force that reviewed the FMS program and provided recommendations for improving that process.

Similarly, the U.S. Department of Defense previously established its own “Tiger Team” of senior officials tasked with finding ways to streamline the FMS process. And in April 2025, President Donald Trump signed an executive order seeking to reform the U.S. systems for selling and transferring defense articles to ally and partner nations.

Now, Democrats on the House Foreign Affairs Committee’s Arms Sales Task Force have turned their attention to what happens after defense articles leave U.S. possession and ensuring those articles are not used for the wrong purposes. While the Committee’s TIGER Task Force recommendations were the result of bipartisan efforts, the Silver Shield Act of 2025 may have some hurdles to overcome in a Republican-led House. Since the Silver Shield Act of 2025 specifically contemplates industry involvement in developing the investigative practices and research methodology of the Silver Shield program, entities interested in the transfer of defense articles and end-use monitoring should be on the lookout for opportunities to get involved in the program.

## Notes

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1. The full text of the bill can be viewed at [https://dean.house.gov/\\_cache/files/d/e/deeb2b53-aa76-4203-92b8-081e9626ded6/2E2824AF42DDEC60D5DED2633F21C6F0301F59D362146E0955FD75CFCE0EE1.silver-shield-act.pdf](https://dean.house.gov/_cache/files/d/e/deeb2b53-aa76-4203-92b8-081e9626ded6/2E2824AF42DDEC60D5DED2633F21C6F0301F59D362146E0955FD75CFCE0EE1.silver-shield-act.pdf).