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Dear Colleague,

With a group of colleagues, I will soon introduce several Joint Resolutions of Disapproval seeking to block certain proposed arms sales to Israel. Let me outline why it is critical that the Senate prevent these sales from going forward.

Hamas started this war with the horrific terrorist attack on October 7th, which killed 1,200 innocent Israelis and took hundreds of hostages, including Americans. Israel clearly had a right to respond to this Hamas attack. But, tragically, Prime Minister Netanyahu's extremist government has not simply waged war against Hamas. It has waged all-out war against the Palestinian people. As a result of Netanyahu's policies, more than 40,000 Palestinians have been killed and nearly 94,000 injured – 60 percent of whom are women, children, or elderly people. Today, tens of thousands of Palestinian children face malnutrition and starvation. Netanyahu's policies have trampled on international law, made life unlivable in Gaza and created one of the worst humanitarian disasters in modern history. The horrible reality of what has happened in the region since October 7th is why both Hamas leader Yahya Sinwar and Netanyahu have been credibly accused of war crimes and may soon face arrest warrants from the International Criminal Court.

Sadly, and illegally, much of this carnage in Gaza has been carried out with U.S.-provided military equipment. Providing more offensive weapons to continue this disastrous war would directly contradict the stated purpose of the laws governing the sale and export of U.S. defense articles to foreign countries, including the Foreign Assistance Act of 1961 and the Arms Export Control Act (AECA). These laws require that arms transfers must be consistent with internationally-recognized human rights, advance U.S. foreign policy interests, and avoid U.S. complicity with any human rights violations.

During the August recess, the Administration noticed several sales to Israel that do not meet these criteria. Indeed, several of the systems included in these sales are tied to many of the civilian deaths in Gaza thus far. The arms sales total over \$20 billion and include:

- Joint Direct Attack Munitions, or JDAMs (\$262 million, imminent delivery)
- 120mm tank rounds (\$774.1 million, delivery beginning 2027)
- 120mm high explosive mortar rounds (\$61.1 million, delivery beginning 2026)
- Medium Tactical Vehicles (\$583.1 million, delivery beginning 2026)
- Up to fifty new F-15IA multi-role fighter aircraft, as well as upgrades to twenty-five current Israeli F-15s, plus additional equipment (\$18.82 billion, delivery beginning 2029)

The AECA provides a mechanism for Congress to block arms sales which are inconsistent with the criteria outlined in the law: the Joint Resolution of Disapproval. We must now use this essential tool of Congressional oversight for the following reasons:

- **Providing more offensive weapons would violate U.S. and international law:** we must end U.S. complicity in Israel's illegal and indiscriminate military campaign, which has caused mass civilian death.
- **It will enable us to secure U.S. policy goals:** passing a JRD will make clear to Netanyahu that he cannot continue to ignore the U.S. government's desire for an immediate ceasefire and the release of the hostages. It will put pressure on his extremist government to change Israel's military approach and avert a regional war. It will also begin to restore U.S. credibility internationally.
- **It's what the American people want:** according to a June 5-7 poll from CBS News, 61% of Americans oppose sending weapons and supplies to Israel, including 77% of Democrats and 62% of Independents. This result is consistent with earlier polls.

The proposed sales of JDAMs and 120mm tank rounds are particularly concerning, given their indiscriminate use in Gaza. Reliable human rights monitors have documented numerous specific incidents involving these systems leading to unacceptable civilian death and harm.

Regarding JDAMs, these incidents include but are not limited to:

- On October 10, 2023, an Israeli strike with a U.S. JDAM in Deir al-Balah [killed](#) 24, including 7 children.
- On October 22, 2023, an Israeli strike with a U.S. JDAM in Deir al-Balah [killed](#) 19, including 12 children.
- On October 31, 2023, an Israeli strike with U.S. JDAMs in Jabalia [killed](#) at least 126 civilians, including 69 children.
- On January 18, 2024, an Israeli strike with a U.S. JDAM in al-Mawasi [targeted](#) a humanitarian facility.
- On March 27, 2024, an Israeli strike with a U.S. JDAM in al-Habariyeh, Lebanon [killed](#) 7 healthcare workers.
- On July 13, 2024, an Israeli strike with a U.S. JDAM in al-Mawasi [killed](#) at least 90 Palestinians – at least half of whom were women and children – and injured at least 300.

Regarding the 120mm tank rounds, these incidents include but are not limited to:

- On October 13 2023, Israeli forces [attacked several](#) journalists with 120mm tank ammunition in southern Lebanon, killing *Reuters'* Issam Abdallah.
- On January 29, 2024, Israeli forces [used](#) U.S. 120mm tank ammunition in Gaza City in an attack that killed six-year-old Hind Rajab and two paramedics.
- On February 20, 2024, Israeli tanks [fired](#) upon a Medecins Sans Frontieres guesthouse in Khan Younis, killing two people and injuring six others.
- On May 28, the Israeli military [used](#) 120mm tank rounds in al-Mawasi in an attack that killed 23 people, including 12 children.

There is extensive evidence that these weapons are being used in violation of U.S. and international law. Indeed, the Administration's report pursuant to National Security Memorandum 20 (NSM-20) concluded that "it is reasonable to assess that defense articles covered under NSM-20 have been used by Israeli security forces since [October 7](#) in instances inconsistent with its IHL obligations or with established best practices for mitigating civilian harm." The report stated that the "high levels of civilian casualties, raise substantial questions as to whether the IDF is using [effective civilian harm

mitigation] effectively in all cases.” It further noted that “Israel did not fully cooperate with United States government efforts and United States government-supported international efforts to maximize humanitarian assistance flow to and distribution within Gaza.” In light of this reality and the ongoing review under NSM-20, it is inappropriate to move ahead with these sales.

The United States routinely conditions military aid, arms sales, and security cooperation with every other country. Only in recent years has the idea of leveraging aid to Israel to secure policy changes become controversial: the 1952 Mutual Defense Assistance Agreement and subsequent agreements with Israel limit the use of U.S. military equipment to defensive purposes. President Reagan suspended delivery of F-16 fighter jets to Israel over its raid on the Osirak reactor in Iraq, threatened to suspend military aid to end Israel’s bombardment of Beirut, and again threatened to stop military aid to force an Israeli withdrawal from Lebanon in 1982. President Carter similarly leveraged aid to change Israeli policies in Lebanon. In 1991, then-Secretary of State James Baker threatened to withhold \$10 billion in loan guarantees unless Israel stopped settlement expansion.

Blocking these sales would be in keeping with actions taken by the international community and some of our closest allies. There has been widespread condemnation of Israel’s conduct during this war from governments around the world, international institutions, and humanitarian organizations. The United Kingdom recently suspended 30 export licenses for a range of armaments after concluding there was an unacceptable risk they could be used in violation of international humanitarian law. Germany, Italy, Spain, Canada, Belgium, and the Netherlands have taken similar steps. United Nations bodies have called for an end to the arms shipments fueling the conflict.

We cannot ignore what the Netanyahu government has done in Gaza. These inhumane policies have resulted in more than 134,000 casualties, at least 60 percent of whom are women, children, and elderly people. Ninety percent of Gazans have been displaced from their homes. More than 60 percent of Gaza’s housing has been destroyed, as has the civilian infrastructure, including water and sewage systems. The Netanyahu government has systematically devastated the healthcare system in Gaza, knocking most hospitals out of service and killing more than 800 healthcare workers. Polio and other diseases have spread. Every one of Gaza’s twelve universities has been bombed, as have hundreds of schools, leaving hundreds of thousands of children without access to education. And, today, hundreds of thousands of Palestinians, including tens of thousands of children, face malnutrition and starvation because of Israel’s unacceptable restrictions on humanitarian aid.

We cannot be complicit in this humanitarian disaster. We must act. I hope you will support this effort on the floor. My office is ready to answer any questions you might have.

Sincerely,



Senator Bernie Sanders (I-VT)