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United States Senate

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FOREIGN RELATIONS

November 18, 2024

Dear Colleagues:

I write to share my support for the joint resolutions of disapproval (JRDs) that will be considered by the Senate this week on the U.S. sales of certain offensive weapons to the Netanyahu government. I do not support an arms embargo on Israel, but I do believe that the United States should pause the delivery of offensive weapons until the Netanyahu government meets the requirements of U.S. law and policy with respect to delivery of humanitarian assistance to civilians in Gaza, and the use of American weapons there. This will be our one opportunity to send that message and I urge you to back these efforts as well.

Following the Hamas terrorist attacks of October 7th, I have repeatedly supported Israel's right to defend itself and end Hamas' control of Gaza. I remain steadfast in that support. There must be no more October 7ths.

At the same time, U.S. taxpayer-funded assistance should not come in the form of a blank check – even to our closest allies. We need assurances that U.S. interests, values, and priorities will be respected by foreign governments that receive American assistance. That principle should apply universally, including to the Netanyahu government. The United States has provided billions of dollars of American taxpayer-financed bombs and other offensive weapons systems, but we've seen Prime Minister Netanyahu repeatedly violate the terms of American security assistance, disregard U.S. priorities, and ignore our requests, only to be rewarded.

First and foremost, recipients of U.S. weapons must comply with American laws and policies. Recipients of security assistance must facilitate and not arbitrarily restrict the delivery of humanitarian assistance into war zones where U.S. weapons are being used, and American-supplied weapons must be used in accordance with international humanitarian law. The Netanyahu government is violating both of these requirements in Gaza.

ARBITRARILY RESTRICTING HUMANITARIAN AID

Despite the President directly calling on Prime Minister Netanyahu to increase aid to Gaza, and Secretaries Blinken and Austin expressly reminding Israeli officials of their obligations under international and U.S. law (including Sec. 620I of the Foreign Assistance Act and NSM-20) to facilitate humanitarian assistance, the Netanyahu government has failed to meet these requirements and President Biden has failed to enforce U.S. law and policy. Recent reports by

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numerous independent entities have documented the worsening humanitarian catastrophe in Gaza, and once again pointed to obstacles erected by Israeli authorities. A scorecard released on November 12, 2024, by eight humanitarian organizations found that “Israel not only failed to meet the U.S. criteria that would indicate support to the humanitarian response, but concurrently took actions that dramatically worsened the situation on the ground, particularly in Northern Gaza. That situation is in an even more dire state today than a month ago.” On November 1, the Principals of the Inter-Agency Standing Committee – the leaders of 15 UN and humanitarian organizations including World Food Programme Executive Director Cindy McCain and UNICEF Executive Director Catherine Russell – said that “the entire Palestinian population in North Gaza is at imminent risk of dying from disease, famine and violence...Humanitarians are not safe to do their work and are blocked by Israeli forces and by insecurity from reaching people in need.” Yet, the Biden Administration continues to offer a blank check.

MISUSE OF AMERICAN WEAPONS

The Biden Administration is also ignoring the law and its own stated standards regarding the use of American-supplied weapons. In its May 10th NSM-20 report to Congress, the Administration 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 Administration then identified a sampling of cases and referred to some ongoing investigations and proceedings by the Netanyahu government. We are still waiting on those findings, as well as reviewing nearly 500 cases of civilian harm involving U.S.-supplied weapons by the IDF in Gaza, per recent reporting. And, yet, without getting these answers or reaching a final determination on many of these cases pursuant to our own laws and policies, the Biden Administration noticed more offensive weapons sales. Since President Biden’s recent calls with Prime Minister Netanyahu last month, the high numbers of civilian casualties have continued unabated and human rights organizations continue to document cases of weapons being used in violation of international humanitarian law.

IGNORING U.S. PRIORITIES

In addition to violating U.S. laws and policies regarding humanitarian aid access and the use of U.S. weapons, the Netanyahu government has ignored the Biden Administration’s requests on a host of other U.S. priorities. As many of the hostage families have attested, Netanyahu has repeatedly obstructed President Biden’s plan for a ceasefire and return of the hostages. In addition, Netanyahu has undermined the President’s “day after” plans to have a reformed Palestinian Authority form the nucleus of governance in Gaza, and disregarded his pleas to prevent escalation that could drag the United States and Israel into a wider war in the region. The Netanyahu government has also refused to comply with the Biden Administration’s requests to review the IDF’s “rules of engagement” on the West Bank in order to prevent the killing of innocent civilians, including American citizens, and failed to pursue investigations and respond to American inquiries into the killing of American citizens by Israeli settlers or the IDF on the West Bank. Contrary to longstanding bipartisan policy that new settlements are inconsistent with international law, the Netanyahu government has continued to seize more Palestinian lands on the West Bank and further expand illegal settlements and outposts, and on one occasion,

announced a record high land seizure while Secretary Blinken was visiting Israel. Despite warnings delivered to the Government of Israel from Secretaries Blinken and Austin on October 13 that Israel is required by international law to give the International Committee of the Red Cross (ICRC) access to Palestinian prisoners and that banning UNRWA would cripple humanitarian delivery efforts in Gaza, the Knesset passed two laws hobbling UNRWA, and the ICRC is still denied access to prisoners.

In light of all these concerns, I have previously indicated that the United States should pause the delivery of offensive weapons to the Netanyahu government until we can advance the priorities of the American people and those of the Israeli people. I continue to support the transfer of defensive systems, like the Iron Dome, and do not support an arms embargo. But the United States should pause the transfer of offensive weapons to the Netanyahu government until it demonstrates a greater willingness to respect the values and the national security interests of the United States. That is why I will be supporting these joint resolutions of disapproval on offensive weapons to the Netanyahu government, and I urge my colleagues to do the same.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Van Hollen".

Chris Van Hollen
U.S. Senator