

Senate Kills Measure to Scrutinize Israeli Human Rights Record as Condition for Aid

Sen. Bernie Sanders forced a vote on the resolution, which would have opened the door for Congress to freeze U.S. aid to Israel.

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On Tuesday, the Senate voted down a resolution that would have set the stage for Congress to place conditions on U.S. military aid to Israel — quashing what has so far been the most serious effort on Capitol Hill to hold the U.S. ally to account for its brutal assault on Gaza.

Introduced by **Sen. Bernie Sanders**, I-Vt., in December, the resolution would have required the State Department to submit a report to Congress about allegations of Israel committing human rights violations, and whether and how the U.S. played a role and responded to such acts. If the bill had passed and the State Department failed to submit the report within 30 days, U.S. aid to Israel would have been frozen. If the State Department had submitted a report to Congress, however, U.S. aid to Israel could have come to a vote, giving Congress the option to condition, restrict, or terminate security assistance to Israel (or to do nothing at all). Such votes would have required only a simple majority for passage.

When it came to a vote Tuesday evening, the Senate voted 72-11 to table the resolution, effectively killing it.

"It's frankly historic that this vote took place at all," said Andrew O'Neill, the legislative director for the political advocacy group Indivisible. "The number of senators willing to take a vote like this even weeks ago, on the face of it, would have been zero."

Israel receives [billions of dollars per year in U.S. aid](#), making it the largest recipient of American security assistance in the world. In the wake of Hamas's October 7 attack on Israel, **President Joe Biden** asked Congress to approve an additional \$14 billion in aid to the country, whose retaliatory war on Gaza has killed more than 24,000 Palestinians.

Sanders's resolution was based on the Foreign Assistance Act, which prohibits the American government from providing security assistance to any government "which engages in a consistent pattern of gross violations of internationally recognized human rights." Section 502B(c) of the law empowers Congress to request information on a country's human rights practices, which Sanders took advantage of to force this vote.

"The Senators who lent their support to this resolution did so in spite of enormous political pressure," O'Neill said, noting that, for decades, there has been a bipartisan status quo of not scrutinizing assistance to Israel. "The 502B process had never been used before, and now that tool is on the table. These are lonely votes, but votes that can be the start of something bigger."

The votes in support for Sanders's resolution came almost entirely from Democratic senators: **Laphonza Butler** of California, **Martin Heinrich** of New Mexico, **Mazie Hirono** of Hawaii, **Ben Ray Lujan** of New Mexico, **Ed Markey** and **Elizabeth Warren** of Massachusetts, **Jeff Merkley** of Oregon, **Chris Van Hollen** of Maryland, and **Peter Welch** of Vermont. **Rand Paul** was the only Republican to vote against tabling the resolution.

Van Hollen told The Intercept that it's important for the Senate to get the information required by the proposed report.

"That's important for transparency and I think taxpayers have a right to know how their funds are being used."

Speaking with reporters ahead of the vote, Warren said,

"Prime Minister Netanyahu needs to understand that he does not get a blank check from the United States Congress."

She continued:

"The Senate has had a role in overseeing our military involvement overseas running back to the drafting of the Constitution. We have a responsibility to stand up now and say that given how Netanyahu and his right-wing war cabinet have prosecuted this war, we have serious questions that we are obligated to ask before we go further."

Some Democratic senators who voted to kill the resolution told The Intercept they were concerned about Israeli human rights abuses, but they did not think Sanders's proposal was the way to address them. Others, mostly Republicans, deflected from questions about Israel's conduct during the war.

Sen. Bob Casey, D-Pa., said he was opposed to the resolution because the timeline for potential congressional action would have conflicted with the aims of Israel's war.

"It doesn't make a lot of sense to be conditioning a military campaign engaged in by an ally," he said. He added that "there's no question if there are allegations, they will be the subject of scrutiny and review," but said he doesn't think the resolution is the right approach.

Sen. Tom Carper, D-Del., explained his opposition to the resolution by pointing out that 502B(c) has never been used in its 50-year history, and that he prefers a [measureOpens in](#)

[a new tab](#) introduced by Van Hollen. That amendment would require weapons received by any country under Biden’s proposal for supplemental aid to Israel and Ukraine to be used in accordance with U.S. law, international humanitarian law, and the law of armed conflict.

Sen. Chris Murphy, D-Conn., who has a [record of scrutinizing human rights abuses](#) by U.S. allies, voted against the resolution. He told The Intercept that he supports Israel’s right to defend itself and that he has deep reservations about the way it has conducted its campaign, but he doesn’t support measures “potentially designed to cut off funding for Israel.” The resolution, he said, is a vehicle toward completely cutting off aid to Israel. “I don’t think that’s the right move for Congress at this time,” he said.

Sen. Mike Braun, R-Ind., told The Intercept that he is “sensitive” to the allegations of human rights abuses by Israel, and that he understands Sanders’s sensitivity to “trying to keep the collateral damage down, and I think everybody would be for that.” Still, he said, he opposed the resolution “because I think it then draws attention away from how it started, and how it has to be litigated, and that’s not easy,” referring to Hamas’s attack on October 7 and Israel’s stated aim of rooting out the organization.

Asked if he thought Israel was doing enough to mitigate civilian casualties, **Sen. Rick Scott**, R-Fla., told The Intercept that “they need to kill every Hamas member and anybody that dies in Gaza is a result of Hamas.” He voted against the resolution.

Sen. Bill Cassidy, R-La., referred to Hamas’s attack on Israel as he explained his opposition to the resolution. “To give them respite would be to allow them to do it again,” he told The Intercept. When asked whether Israel is doing enough to protect civilians, Cassidy repeated a frequent [Israeli government talking point](#) about Hamas, saying that “when you build your tunnels with your commanders beneath mosques, hospitals, and schools, then you have created an environment where it’s difficult to prevent civilian injury.”

On his way to vote against the resolution, **Sen. Mike Lee**, R-Utah, told The Intercept that he has been consistent with his position on the issue. “Of course it does,” he said when asked if he’s concerned about the number of casualties in Gaza. Asked if Israel is doing enough to mitigate the casualties, he responded simply: “Good talking to you,” as the Senate elevator doors closed.

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Featured image: The Israeli and American flags displayed on the walls of the Old City in Jerusalem (Photo: Yonatan Sindel)

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