

FACT SHEET: Joint Resolutions of Disapproval under the Arms Export Control Act and Proposed Arms Sales to Israel

Congress regulates the sale and export of defense articles to foreign countries through the Foreign Assistance Act of 1961 and the Arms Export Control Act (AECA). Among other criteria, arms transfers must be consistent with U.S. foreign policy interests, advance internationally-recognized human rights, and avoid the identification of the United States with any human rights violations. These provisions apply to both government-to-government foreign military sale (FMS) of major defense articles and services as well as the issuance of export licenses for the direct commercial sale (DCS) of major defense articles and services from private companies.

The AECA requires that the President formally notify Congress 30 calendar days before concluding a sale or issuing an export license for any transfers valued above certain dollar thresholds, a timeline reduced to 15 days for NATO allies and major non-NATO allies, including Israel. The AECA also provides a mechanism for Congress to block arms sales which are inconsistent with these criteria: the Joint Resolution of Disapproval (JRD). A transfer may not proceed if both houses of Congress pass a JRD, though the AECA does not require that a companion measure be introduced in the both chambers. Congress may block or modify an arms sale at any time up to the point of delivery of the items involved.

The AECA stipulates that Senate consideration of any JRD shall be “in accordance with the provisions of Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.” Essentially, JRDs are privileged, meaning the Senate Foreign Relations Committee must report on the JRD within 10 calendar days (or five calendar days for sales to NATO allies and major non-NATO allies, including Israel). After this period, it is in order for the sponsoring Senator to move to discharge the committee from further consideration and, after one hour of debate, bring the measure to a vote. The AECA precludes motions to amend or reconsider the vote on a JRD.

As a privileged resolution, any Joint Resolutions of Disapproval is considered through the following Senate procedure:

- **Step 1:** Upon introduction of a Joint Resolution of Disapproval under the AECA, the Foreign Relations Committee has ten calendar days to consider the resolution in committee (or five calendar days for FMS sales to NATO allies and major non-NATO allies, including Israel). After this period, the sponsor(s) of the resolution can force a floor vote on a motion to discharge the resolution from committee. The resolution is privileged, meaning it cannot be amended or filibustered, and it is a simple majority for the motion to discharge the resolution from committee and for final passage.
- **Step 2:** If the resolution passes, it must be passed by the other chamber and signed by the President to prohibit the sale in question.
- **Step 3 (optional):** The President may veto such a resolution to move ahead with the sale. Congress can override a veto by passing the measure by a two-thirds vote in both the House and the Senate.

This summary was prepared by the Office of Senator Sanders. For more information, see: CRS, [Arms Sales: Congressional Review Process](#), (August 13, 2024)

August 2024 Proposed Arms Sales to Israel

During the August recess, the Administration noticed several sales to Israel that violate the criteria laid out in the Foreign Assistance Act and the Arms Export Control Acts, as well as the Administration's own Conventional Arms Transfer Policy and National Security Memorandum 20 (NSM-20).

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 sales of JDAMs and 120mm tank rounds are particularly concerning, given their indiscriminate use in Gaza. These systems account for many of the 40,534 deaths and nearly 94,000 injuries in Gaza so far – 60 percent of whom are women, children, or elderly people. Reliable human rights monitors have documented numerous 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 systems are being used in violation of U.S. and international law. Indeed, the Administration's report pursuant to 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.

These arms sales would also send an unhelpful political signal to both the Israeli government and the international community. Arms sales are powerful diplomatic tools, and the United States should leverage these transfers to secure changes in Israeli policy. Alongside Hamas, Prime Minister Netanyahu and his extremist coalition partners continue to stymie ongoing efforts to secure a ceasefire and the release of the hostages. Netanyahu believes a deal would risk his hold on power and has [repeatedly moved the goalposts](#). Most Israelis, including the senior military leadership, recognize this reality. Meanwhile, in the West Bank, this extreme Israeli government has facilitated widespread settler violence and record settlement expansion, worsening an already volatile situation. The ongoing war in Gaza has dramatically increased the risks of a wider regional war, while U.S. support for Israel’s destructive campaign has severely undermined our international standing.

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. At the Madrid conference 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. The United Kingdom recently suspended 30 export licenses for a range of armaments after concluding there was an unacceptable risk the weapons could be used in violation of international humanitarian law. Italy, Spain, Canada, Belgium, and the Netherlands have taken similar steps. United Nations bodies and numerous humanitarian organizations have called for an end to the arms shipments fueling the conflict.