

FACT SHEET: 502B(c) of the Foreign Assistance Act and Senator Bernie Sanders' Resolution on Israel and Gaza

The Foreign Assistance Act of 1961, as amended, requires that any security assistance or arms provided by the United States to any country must advance internationally-recognized human rights and avoid identification of the United States with any violations of those rights. The Act prohibits assistance to any government that engages in a consistent pattern of human rights violations.

The Act also provides Congress with several oversight tools to ensure this law is followed. One such tool is Section 502B(c) of the Foreign Assistance Act, which allows Congress to direct the State Department to provide information on any country receiving U.S. security assistance and that country's observance of internationally-recognized human rights. Following this report by the State Department, the U.S. Congress may consider any necessary changes to U.S. security assistance to that country in light of the information received. **Since the addition of 502B(c) to the Foreign Assistance Act in 1976, Congress has never voted to request a human rights report under its provisions.**

The question the Senate will be voting on is simply this: **Do you support asking the State Department for information on whether human rights violations may have occurred using U.S. equipment or assistance in Israel's current military campaign?**

As a privileged resolution, any member of the U.S. Senate can invoke Section 502B(c) through the following Senate procedure:

- **Step 1:** Upon introduction of a resolution under Section 502B(c), the Foreign Relations Committee has ten days to consider the resolution in committee. After ten days, 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.

Note: The Foreign Relations Committee can also make these requests directly, as happened in 1976, the only time a request was made under 502B(c).

- **Step 2:** If the resolution passes, the State Department has 30 days to provide the requested report. Only if the State Department fails to provide a report within 30 days is assistance frozen. This provision was added to ensure prompt responses to Congress in the wake of the Nixon administration's refusal to respond to Congressional inquiries. Further, the Foreign Assistance Act allows Congress to pass a measure continuing aid to the recipient in the highly unlikely event the 30-day deadline is not met by the State Department.
- **Step 3:** After the report is received from the State Department, Section 502B(c) stipulates that Congress may at any time thereafter consider a privileged joint resolution proposing any necessary changes to security assistance to the country in question. Any such resolution must pass both Houses of Congress and be signed by the President.

Senator Sanders' 502B(c) resolution

On Thursday, December 14, 2023, Senator Bernie Sanders (I-Vt.) introduced a resolution under Section 502B(c) of the Foreign Assistance Act to force a debate on the indiscriminate bombing campaign being

carried out in Gaza by Prime Minister Benjamin Netanyahu's government. The floor vote on Sanders' resolution is scheduled for Tuesday, January 16, 2024.

In a [speech given](#) on the Senate floor on January 10, 2024, Sanders said:

“That is what this resolution does – in line with existing law, it directs the State Department to provide any credible information it may have on potential violations of internationally recognized human rights by Israel in its campaign in Gaza. It focuses in particular on the denial of the right to life – a human right enshrined in U.S. and international law – caused by indiscriminate or disproportionate military operations, as well as by the denial of basic humanitarian needs and access. It also asks for additional information on steps the U.S. has taken to limit civilian risk in this war, a certification that the Leahy Laws are being fully applied, and a summary of the arms and munitions provided to Israel since October 7th.

“In essence, we will be voting on a very simple question: Do you support asking the State Department whether human rights violations may have occurred using U.S. equipment or assistance in this war? This resolution is not prescriptive – it does not alter aid to Israel in any way. It simply requests that the State Department report on how our aid is being used. The State Department then has 30 days to provide a report responding to the request. I hope it is not controversial to ask how U.S. weapons are being used.”

Sanders continued in his remarks, *“This is information Congress should have and, whatever your views on this war, this resolution should be something you can support. If you believe that the campaign has been indiscriminate, as I do, then we have a responsibility to ask this question. If you believe Israel has done nothing wrong, then this information should support that belief.”*

S.Res.504 – A resolution requesting information on Israel's human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961 does the following:

- Acknowledges the Hamas terrorist attack, the loss of innocent life, and Israel's right to respond;
- Lays out the loss of life and destruction in Gaza (at the time of introduction), which has now grown to: more than 22,000 killed and more than 58,000 wounded; 1.9 million displaced, 70% of the housing stock damaged or destroyed, 146 UN workers killed, more than 135 UN facilities damaged in strikes;
- Details the extensive use of U.S. arms in the campaign, particularly massive explosive ordinance, such as thousands of 2,000-pound bombs and 155mm artillery;
- Notes the credible findings from human rights monitors and the press that U.S. arms were used in strikes leading to many civilian casualties;
- Per Section 502B(c), requests the State Department report on:
 - credible allegations of the violation of internationally recognized human rights in Gaza, particularly the denial of the right to life caused by indiscriminate or disproportionate military operations;
 - the denial of the right to life by the denial of basic humanitarian needs;
 - actions the U.S. has taken to limit civilian risk in Israeli military actions;
 - certification that the U.S. is applying the Leahy Laws and that no units of the Israeli security forces receiving U.S. aid has committed gross violations of human rights;
 - summary of arms and munitions provided to Israel since October 7;
 - assessment of Israel's compliance with international humanitarian law.

This fact sheet is dated Saturday, January 13, 2024.

Read the bill text of the Sanders' resolution, [here](#).