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VAN HOLLEN, DURBIN, KAINE, SCHATZ & COLLEAGUES ANNOUNCE AMENDMENT REQUIRING THAT USE OF U.S. SUPPLEMENTAL AID COMPLY WITH U.S., INTERNATIONAL LAW

More than a dozen Senators push for amendment, including additional reporting requirements

Today, U.S. Senators Chris Van Hollen (D-Md.), Dick Durbin, (D-Ill.), Tim Kaine (D-Va.), Brian Schatz (D-Hawaii), as well as Senators Elizabeth Warren (D-Mass.), Jeff Merkley (D-Ore.), Peter Welch (D-Vt.), Martin Heinrich (D-N.M.), Tom Carper (D-Del.), Ben Ray Lujan (D-N.M.), Bernie Sanders (I-Vt.), Mazie Hirono (D-Hawaii), and Ed Markey (D-Mass.) announced that they are working on an amendment to require that the weapons received by any country under the proposed national security supplemental are used in accordance with U.S. law, international humanitarian law and the law of armed conflict.

The Senators' amendment also requires that the president report to the Congress on whether countries receiving military equipment paid for by American taxpayers meet that test and whether the use of U.S.-supplied weapons comports with established presidential directives on arms transfers and Defense Department policies for reducing harm to civilians. And it would buttress current law that prohibits U.S. security assistance to any country that prevents or restricts U.S. humanitarian assistance to those in need, subject to a presidential waiver. The amendment does not apply to funds for air defense systems or other systems that the president determines will be used for strictly defensive purposes.

"U.S. taxpayer dollars have never come in the form of a blank check. It's critical that we hold all nations who receive our assistance to the same standards – and that includes ensuring the use of this assistance is in line with U.S. law, international humanitarian law, and the law of armed conflict. We must also insist that our partners cooperate with us in allowing the delivery of humanitarian assistance. Our amendment does all that and puts in place necessary reporting to Congress in order to track these measures. As we work to provide critical funding in the national security supplemental, I look forward to working with my colleagues to address these fundamental issues," **said Senator Van Hollen.**

"The U.S. is an indispensable country in helping allied nations in times of conflict," **said Senator Durbin.** "With any such assistance, including supplemental packages, we have a responsibility to ensure the aid follows U.S. and international law. With this amendment, we are reinforcing that key point and our American values."

"U.S. assistance to our allies and partners has always come with the expectation that they will follow international laws of war," **said Senator Kaine.** "This global amendment reaffirms the need to protect innocent civilians caught in conflict zones and ensure the delivery of humanitarian aid to vulnerable populations. We must ensure that even as we stand with our partners and allies across the world, our support remains consistent with the core values and strong support for human rights expressed by the American people."

"Whenever we approve federal spending – whether it's for things like public housing and highway repairs or our own Defense Department's programs – we require detailed plans on exactly how the money will be used. We also expect to receive some form of reporting on it afterward. It should be no different for assistance funding we provide to allies around the world, including Israel. It's our responsibility to make sure the funding and weapons we provide are used in a manner that's consistent with international humanitarian law and American values," **said Senator Schatz.**

"When it comes to U.S. military aid to Israel, American support cannot be a blank check to a right-wing Netanyahu government that has demonstrated a gross disregard for the lives of Palestinian civilians. U.S. military aid always includes conditions, and there is no exception, even for our allies," **said Senator Warren.**

"The United States should never supply or sell weapons to any country without guarantees that they will be used in compliance with international law," **said Senator Merkley.** "No exceptions."

"Ensuring civilians are protected and have access to adequate humanitarian assistance resources during times of conflict should be our first priority. Also essential is guaranteeing that U.S. weapons and defense articles sent overseas are used in compliance with international law. Senator Van Hollen's amendment to the National Security and Supplemental Appropriations Act will further these goals. As we continue negotiations, I will keep advocating vigorously to the Biden Administration and Senate leadership for other changes to the legislation that address the accountability, ethicality, and transparency of arms sent abroad," **said Senator Welch.**

"Our country stands for freedom and democracy, and both are grounded in our firm belief that innocent civilians should never be the target of war. It's imperative that this commitment extends to ensuring our weapons are used only in accordance with U.S. law, international humanitarian law, and the law of armed conflict. I stand by Israel and I also join my colleagues in insisting on the clarity that Israel's enemy in Gaza is Hamas - not the children, not Palestinian civilians," **said Senator Heinrich.**

"I'm glad to join my colleagues on this amendment, which reiterates that U.S. military assistance provided to our partners must be used in accordance with the law – particularly U.S. law and international humanitarian law," **said Senator Carper.** "These principles are always imperative, but especially as we support those working to defend democracy around the world."

"This amendment will further ensure that American aid is used in accordance with international law and American values," **said Senator Hirono.** "As we support Israel's right to defend itself, we must continue working to create the conditions for a two-state solution and lasting peace in the region."

"It is imperative that all assistance to Israel abide by U.S. and international law, prioritize the protection of civilians, assure the provision of desperately needed humanitarian assistance to civilians in Gaza, and align with a long-term vision for peace, security, and two-state diplomatic solution. I thank Senator Van Hollen and my colleagues for working together on this measure to ensure all military aid to countries within the supplemental package adheres to well-established, existing U.S. and international law and to require reporting to Congress on the use of such aid," **said Senator Markey.**

The Senators' amendment:

1. Requires that the weapons received by any country under this bill are used in accordance with U.S. law, international humanitarian law and the law of armed conflict.
2. Requires that the president obtain assurances that any country receiving weapons through this bill cooperate fully with U.S.-supported efforts to provide humanitarian assistance to those in need, subject to a presidential waiver.
3. Requires that the president report to the Congress within 30 days on whether each country receiving U.S. security assistance through this bill is:
 - o Using U.S.-funded military equipment in accordance with:
 - Their intended purposes and U.S. end-use monitoring programs;
 - international humanitarian law, the law of armed conflict, and U.S. law;
 - the President's 2023 Conventional Arms Transfer (CAT) Policy and the Defense Department's Civilian Harm Mitigation and Response Action Plan (CHMR-AP);
 - o Fully cooperating with U.S. efforts and U.S.-supported international efforts to provide humanitarian assistance to civilians
4. Clarifies that these provisions do not apply to funds for air defense systems or other systems that the president determines will be used for strictly defensive purposes.

The text of the amendment is available [here](#).