

U.S.: Congress Should Block \$2.8 Billion Arms Package to Israel

Sale Violates U.S. Law and Would Make Those Who Approve It Complicit in War Crimes

(Washington, D.C., September 18, 2026) — Members of Congress should introduce and pass joint resolutions of disapproval under the Arms Export Control Act to block the Trump administration's proposed \$2.8 billion transfer of 40,000 2,000-pound bombs to Israel, Democracy for the Arab World Now (DAWN) said today in a letter to every member of the Senate and House of Representatives. The letter lays out how the transfer would violate U.S. and international law, and how it could expose members of Congress to individual criminal liability for aiding and abetting war crimes, crimes against humanity, and genocide.

"Forty thousand of the bombs that flattened Gaza is not a defense package, it is a down payment on the next round of atrocities," said Omar Shakir, executive director of DAWN. "Every member of Congress now has the law and the evidence in front of them. A vote to let this sale proceed is a decision to help Israel commit more war crimes."

This week, the Trump administration [notified](#) congressional committees of the pending sale, which includes 40,000 general-purpose 2,000-pound bombs (20,000 MK84s and 20,000 BLU-117s, a variant of the MK84), as well as 20,000 I-2000 penetrator warheads, according to *The Washington Post*. Most of the cost would reportedly be covered through foreign military financing (FMF), meaning U.S. taxpayer dollars are given to Israel to buy the weapons from U.S. manufacturers.

The MK84 is among the most destructive conventional munitions. A 2,000-pound bomb has a lethal fragmentation radius of up to 365 meters, an area equivalent to 58 soccer fields. Based on a CNN analysis of satellite imagery that identified more than 500 craters consistent with 2,000-pound bombs dropped the first month of the war in Gaza alone, a former U.N. war crimes investigator said such density of bombardment had not been seen since Vietnam. Looking at the first six weeks of the war, a *New York Times* investigation [identified](#) at least 208 such craters in southern Gaza, where Israel had ordered civilians to flee. Munitions experts told both outlets that U.S. forces almost never drop bombs of this size in populated areas. Israel has [used](#) them hundreds of times in Gaza and Lebanon. The Biden administration [paused](#) a shipment of these bombs in May 2024 precisely because of the risk of mass casualties in Rafah; President Trump released it within days of taking office.

Israel's assault has [killed](#) more than 73,000 Palestinians in Gaza, including more than 21,000 [children](#), and the killing has not stopped. UNICEF [said](#) last month that at least 300 children had reportedly been killed since the October 2025 ceasefire, an average of one child every day.

The letter details the U.S. statutes the sale would breach: Section 4 of the Arms Export Control Act [permits](#) transfers only for legitimate self-defense and internal security; Section 502B of the Foreign Assistance Act [bars](#) security assistance to any government engaged in a consistent pattern of gross violations of human rights; Section 620I [prohibits](#) assistance to any country that

restricts U.S. humanitarian aid; and Section 620M, the Leahy Law, [forbids](#) assistance, including FMF, to any unit that is credibly implicated in gross violations of human rights. Israel fails every one of these tests: dropping 2,000-pound bombs on designated safe zones, hospitals and refugee camps is not self-defense under any reading of the statute; the ICC warrants, the ICJ's genocide orders and two years of U.N. and human rights documentation establish a consistent pattern of gross violations; and Israel has obstructed the delivery of U.S.-funded humanitarian aid throughout the war and continues to do so under the ceasefire. Despite extensive documentation by human rights organizations, UN bodies and even the State Department itself showing that Israeli units have committed such violations, the department, while disqualifying scores of units across the globe, has never disqualified an Israeli unit.

Palestinian families supported by DAWN [sued](#) the State Department in December 2024 under the Administrative Procedure Act over its clear unwillingness to apply the law to Israel. A separate DAWN [lawsuit](#) seeks the records for the Israel Leahy Vetting Forum, the exceptional vetting process the State Department built exclusively for Israel to avoid the law. Both cases are ongoing in D.C. District Court.

"The executive branch's refusal to apply the Leahy Law to a single Israeli unit is not an oversight—it is state policy and this sale would send billions more U.S. taxpayer dollars to forces that have caused mass civilian casualties using these same weapons," said Charles Blaha, senior advisor at DAWN and former director of the State Department's Office of Security and Human Rights. "Congress wrote these statutes with no exception for allies and it should block this sale so long as the State Department fails to apply the Leahy Law with regard to Israel."

On Wednesday, Rep. Gregory Meeks, the ranking Democrat on the House Foreign Affairs Committee, [placed](#) a hold on the sale, saying the administration had not provided sufficient assurances that the bombs would be used lawfully in Gaza and Lebanon. A hold, however, is an informal courtesy, one that the administration has repeatedly ignored and [overridden](#) in order to send billions of dollars of munitions to Israel in the past two years. In February 2025, after the State Department formally notified Congress of more than \$7 billion in munitions for Israel despite a Meeks hold, Secretary of State Marco Rubio [invoked](#) emergency authority to [bypass](#) congressional review altogether and push through more than 35,500 of the same 2,000-pound bombs. He invoked that authority again for further sales to Israel in [March](#) and [May](#) 2026.

Congress, however, has the tools to stop this arms transfer. On Thursday, days after news of the Israel transfer broke, Senators Ed Markey, Jeff Merkley and Bernie Sanders [introduced](#) a joint resolution of disapproval against the planned [sale](#) of \$5 billion worth of bombs to Saudi Arabia, including thousands of the same 2,000-pound bombs. The Israel package contains eight times as many 2,000-pound bombs and demands the same response.

Under Section 36(b) of the Arms Export Control Act, once formal notification of a major arms sale is provided, any senator can [force](#) a floor vote under expedited procedures; in the House, a resolution is privileged only if the Foreign Affairs Committee reports it, so the committee and

House leadership must act. To actually stop an arms sale, a JRD would need to pass with a two-thirds majority to ensure it can survive a presidential veto.

But public opinion and the votes are shifting. A New York Times/Siena poll in May 2026 [found](#) that 57 percent of registered voters, and nearly three-quarters of Democratic voters, oppose sending additional economic and military aid to Israel. In April 2026, 40 of the 47 members of the Senate Democratic caucus [voted](#) to block a sale of bulldozers to Israel and 36 voted to block a shipment of 12,000 1,000-pound bombs, up from 15 votes on a comparable resolution a year earlier.

"The administration is betting that Congress will do what it always does: complain, then look away," said Raed Jarrar, advocacy director at DAWN. "Congress should show the administration that it's no longer the rubber stamp it long has been on arms to Israel and block this sale."

In its letter to lawmakers, DAWN calls for introducing joint resolutions of disapproval against the sale to Israel the day the administration formally notifies it, just as senators [did](#) with the Saudi bomb sale. The letter further urges members to call on the leadership of both chambers to bring the resolutions to the floor for a recorded vote, to call on the State Department to withdraw the proposed transfer and halt weapons transfers to Israel pending compliance with Section 502B and the Leahy Law, and to call on the House Foreign Affairs and Senate Foreign Relations Committees to hold public hearings on the administration's repeated circumvention of congressional review.

The massive munitions transfer to Israel is not only illegal under U.S. law; the letter sets out why facilitating the transfer might itself be a crime under the Rome Statute of the International Criminal Court (ICC). The ICC has [issued](#) arrest warrants for Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant for the war crimes of starvation and intentionally directing attacks against civilians and the crimes against humanity of murder, persecution and other inhumane acts, at least some of which are believed to have been committed with the use of U.S.-supplied MK84 bombs. Article 25(3)(c) of the Rome Statute [makes](#) it a crime to aid, abet or otherwise assist in the commission of such crimes, "including providing the means for its commission," and Article 25(3)(d) criminalizes any intentional contribution made with the knowledge of a group's intention to commit them.

In January 2025, DAWN [submitted](#) a 172-page communication to the ICC prosecutor urging him to investigate and prosecute former President Biden, Secretary of State Antony Blinken and Defense Secretary Lloyd Austin for aiding and abetting those same crimes. This included documentation showing that their conduct met both the material and mental elements of those offenses by approving at least \$17.9 billion in weapons transfers while fully aware of how Israel was using them.



September 18, 2026

To Members of the United States Senate and House of Representatives

Re: Introduce and pass JRDs to block proposed \$2.8 billion transfer of bombs to Israel

Dear Members of Congress,

I am writing on behalf of Democracy for the Arab World Now (DAWN), the organization founded by the late Saudi journalist Jamal Khashoggi to promote democracy, the rule of law and human rights in the Middle East and North Africa, to urge you to block the Trump administration's proposed \$2.8 billion sale of 40,000 2,000-pound bombs to Israel. In particular, we call on you to introduce, co-sponsor and vote for Joint Resolutions of Disapproval under Section 36(b) of the Arms Export Control Act as soon as you receive formal notification of the sale. This transfer, as this letter lays out, would violate U.S. law. But it goes beyond that: given what is now publicly known about Israel's track record using these very munitions, it would amount to knowingly providing the means to commit war crimes, crimes against humanity, and genocide. Anyone who facilitates the transfer, including members of Congress, could face individual criminal liability for aiding and abetting those crimes under the Rome Statute of the International Criminal Court (ICC).

Your colleagues are already using this tool: on Thursday, days after news of the Israel transfer broke, Senators Ed Markey, Jeff Merkley, and Bernie Sanders [introduced](#) a Joint Resolution of Disapproval against the administration's proposed \$5 billion sale of bombs and JDAM guidance kits to Saudi Arabia, which [includes](#) 5,000 of the same BLU-117 2,000-pound bombs the administration plans to send to Israel. The Israel package contains eight times as many. This letter explains why the transfer would violate U.S. law, how it could make officials who approve it complicit in crimes under international law, and what Congress can do about it.

As has been widely reported, the administration has [informed](#) the relevant committees of a pending package of 20,000 MK84 general-purpose bombs, 20,000 BLU-117 bombs (a thermally coated MK84 variant), and 20,000 I-2000 penetrator warheads to Israel, reportedly financed almost entirely through foreign military financing (FMF). This would be the largest single sale of these munitions to Israel in years, larger than the \$2.04 billion sale of 35,529 MK84 and BLU-117 bombs and 4,000 penetrators that Secretary Rubio [approved](#) in February 2025. Rubio at the time invoked emergency authority to bypass congressional review, after Rep. Gregory Meeks placed a hold on the sale. Rubio invoked the same authority again for further sales to Israel in March and May 2026. Rep. Meeks has [placed](#) a hold on the latest sale as well, but this administration has repeatedly [ignored](#) and overridden holds. Unlike an informal hold, a Joint Resolution of Disapproval that passes both chambers and survives a presidential veto carries the force of law.

The MK84 is among the most destructive conventional munitions. A 2,000-pound bomb has a lethal fragmentation radius of up to 365 meters (over 1,100 feet), an area equivalent to 58 soccer fields. Based on a CNN [analysis](#) of satellite imagery that identified more than 500 craters consistent with 2,000-pound bombs dropped the first month of the war in Gaza alone, a former U.N. war crimes investigator said such density of bombardment had not been seen since Vietnam. Looking at the first six weeks of the war, a *New York Times* investigation [identified](#) at least 208 such craters in southern Gaza, where Israel had ordered civilians to flee. Munitions experts told both outlets that U.S. forces almost never drop bombs of this size in populated areas. Israel has [used](#) them hundreds of times in Gaza and Lebanon. The Biden administration [paused](#) a shipment of these bombs in May 2024 precisely because of the risk of mass casualties in Rafah; President Trump released it within days of taking office.

Israel's assault has [killed](#) more than 73,000 Palestinians in Gaza, including more than 21,000 [children](#), and the killing has not stopped. UNICEF [said](#) last month that at least 300 children had reportedly been killed since the October 2025 ceasefire, an average of one child every day.

Under Article 25(3)(c) of the [Rome Statute](#), a person is criminally liable who, for the purpose of facilitating a crime, "aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission." Under Article 25(3)(d), a person is liable who intentionally contributes to a crime committed by a group of persons acting with a common purpose, where the contribution is made "in the knowledge of the intention of the group to commit the crime." Article III(e) of the [Genocide Convention](#) separately criminalizes complicity in genocide, and Article I obliges every state party, including the United States, to prevent it. Common Article 1 of the Geneva Conventions obliges the United States to ensure respect for international humanitarian law, an obligation the International Committee of the Red Cross [reads](#) to prohibit supplying weapons to a party that will foreseeably use them to commit violations.

The International Criminal Court issued arrest warrants against Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant for the war crimes of starvation and intentionally directing attacks against a civilian population, and for the crimes against humanity of murder, persecution and other inhumane acts, at least some of which are believed to have been committed with U.S.-supplied MK84 bombs. The International Court of Justice has [ordered](#) Israel, in a binding decision under the Genocide Convention, to take all measures within its power to prevent acts of genocide against Palestinians in Gaza. Neither ruling has been complied with.

In January 2025, DAWN [submitted](#) a 172-page communication to the ICC prosecutor urging him to investigate and prosecute former President Biden, Secretary Blinken, and Secretary Austin for aiding and abetting these crimes, and documenting that their conduct met both the material and mental elements of these offenses. They provided at least \$17.9 billion in weapons that Israel needed to commit its crimes. They did so with knowledge: U.S. and Israeli officials repeatedly acknowledged Israel's reliance on U.S. military support, the Biden administration's own May 2024 report to Congress [assessed](#) it reasonable to conclude that Israel had used U.S. weapons in ways inconsistent with international humanitarian law, and the administration

nevertheless overrode its own staff's recommendations to halt transfers. The ICC warrants, the ICJ orders, two years of documentation by the United Nations, humanitarian agencies and the press, and the administration's own prior pause on these exact munitions eliminate any claim that officials approving this sale do not know how the weapons will be used. Providing the means for such crimes with the requisite knowledge and intent can constitute aiding and abetting under Article 25(3)(c) of the Rome Statute

The transfer would also violate several U.S. statutory restrictions governing security assistance and arms transfers. Section 4 of the Arms Export Control Act, 22 U.S.C. § 2754, [authorizes](#) the sale of defense articles only for internal security, legitimate self-defense, and a narrow set of other purposes; Section 3, 22 U.S.C. § 2753, [requires](#) the President to report to Congress when a recipient uses U.S. weapons in substantial violation of those terms, and provides for that recipient's ineligibility for further sales. Dropping 2,000-pound bombs on designated safe zones, hospitals, and refugee camps is not self-defense under any reading of the statute.

Section 502B of the Foreign Assistance Act, 22 U.S.C. § 2304, [provides](#) that no security assistance may be provided to any country whose government engages in a consistent pattern of gross violations of internationally recognized human rights. Section 620I, 22 U.S.C. § 2378-1, [prohibits](#) assistance to any country that prohibits or otherwise restricts the transport or delivery of U.S. humanitarian assistance, as Israel has done throughout the war and [continues](#) to do under the ceasefire. Section 620M, the Leahy Law, 22 U.S.C. § 2378d, [bars](#) assistance to any unit of a foreign security force where there is credible information that the unit has committed a gross violation of human rights. None of these provisions contains an exception for Israel.

Despite the extensive documentation, the State Department, which has disqualified scores of units around the world, has never disqualified a single Israeli unit under the Leahy Law. Instead it created a separate, opaque and deliberately cumbersome process, the Israel Leahy Vetting Forum, that exists for no other country. When that forum [recommended](#) disqualifying several units, including the Netzah Yehuda Battalion, former Secretary Blinken declined to act for months, and the department ultimately [cleared](#) the battalion, finding that concerns had been remedied. Palestinian families supported by DAWN [sued](#) the State Department in December 2024 under the Administrative Procedure Act over its clear unwillingness to apply the law to Israel, and DAWN has separately [sued](#) to compel release of the forum's records. Both cases are ongoing in the U.S. District Court for the District of Columbia. Authorizing 40,000 more heavy bombs compounds the unlawful conduct now before that court.

Section 36(b) of the Arms Export Control Act, 22 U.S.C. § 2776, [gives](#) Congress the vehicle to stop this sale, and senators have now put it to use against the \$5 billion Saudi bomb sale. We ask that you introduce and co-sponsor Joint Resolutions of Disapproval against the Israel sale in both chambers the day it is formally notified. Any senator can then [force](#) a floor vote by moving to discharge a resolution from the Foreign Relations Committee after five calendar days. In the House, a resolution is privileged, meaning it can go directly to the floor, only if the Foreign Affairs Committee reports it, so we ask House members to press the committee to report it, and we ask members of both chambers to call on their leadership to bring the resolutions to the floor for a recorded vote.

Polling shows that more and more Americans and members of Congress oppose additional military aid to Israel. In a New York Times/Siena poll in May 2026, 57 percent of registered voters [opposed](#) additional economic and military aid to Israel. In April 2026, 40 of the 47 members of the Senate Democratic caucus [voted](#) to block a far smaller sale, up from 15 votes on a comparable resolution a year earlier.

We also ask that you call on the State Department to withdraw the proposed transfer and halt weapons transfers to Israel pending compliance with Section 502B and the Leahy Law. We further ask that the Foreign Affairs and Foreign Relations Committees hold public hearings on the administration's use of emergency authorities to evade congressional review and demand the State Department's Israel Leahy Vetting Forum records.

Congress wrote these laws. It has both the authority and the obligation to enforce them.

We would welcome the opportunity to brief you or your staff on these issues at your convenience.

Sincerely,

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