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10-26-2021

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Cardozo Journal of Equal Rights and Social Justice

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Recommended Citation

Sandomir, Heidi, "H.R. 2590: Finally Conditioning U.S. Aid to Israel" (2021). *ERSJ Blog*. 6.
<https://larc.cardozo.yu.edu/ersj-blog/6>

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H.R. 2590: Finally Conditioning U.S. Aid to Israel

Since 1948, when Israel was declared a sovereign nation, Israel has had a significant relationship with the United States.[1] There are many reasons why this relationship is so strong; some attribute this to the strong pro-Israel lobby, powered by both American Jews and Evangelical Christians,[2] and others focusing on Israel's reputation as "the only democracy in the Middle East." [3] Regardless of the reason, the U.S.- Israel relationship is and remains a strong allyship.

The first financial aid that the United States ever gave to Israel was in 1948, when President Truman approved a \$135 million Export-Import Bank Loan to the new nation-state.[4] For decades Israel received different forms of economic and military aid, including the facilitation of U.S.-Israel arms trade.[5] In 1987, Israel began receiving \$1.2 billion (2,897,640,845 today)[6] in economic aid and \$1.8 billion (\$4,346,461,267 today)[7] military grants annually.[8] From this year onward, Israel has received regular, annual aid from the U.S.[9] The numbers have fluctuated since then, but Israel has consistently received aid from the U.S. since then.[10] In September 2016 President Obama radically increased Israeli aid to \$38 billion over a ten-year period from 2019-2028, distributed as \$3.8 billion every year.[11] Congress' 2020 budget included \$3.8 billion in U.S. security assistance to Israel and \$500 million more for U.S.-Israel missile defense cooperation.[12] While there are some provisions within the U.S.-Israel aid agreements that direct some of the funds, the aid is largely unconditioned as it has been since the 1980s.[13] Israel is the only country receiving unconditional U.S. foreign aid.[14] However, all of this may soon change.

On April 15, 2021, House Representative Betty McCollum (D-MN 4th District) introduced H.R. 2590, the "Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act." [15] H.R. 2590 seeks to:

prohibit U.S. taxpayer funding to the Government of Israel from being used for 1) the military detention, abuse, or ill-treatment of Palestinian children in Israeli military detention; 2) supporting the seizure and destruction of Palestinian property and homes in violation of international humanitarian law, and; 3) any support or assistance for Israel's unilateral annexation of Palestinian territory in violation of international humanitarian law.[16]

In order to enforce these conditions the Government Accountability Office would be required to submit an annual report accounting for how Israel spends U.S. aid.[17]

This is not Rep. McCullom's first foray into drafting legislation conditioning U.S. aid to Israel. In August 2020 Rep. McCullom introduced H.R. 8050, the "Israeli Annexation Non-Recognition Act." [18] This bill proposed that the U.S. be prohibited from recognizing Israeli annexation of the West Bank and prohibit any U.S. aid to fund any areas annexed by the Israeli government.[19] This bill was referred to the House Committee on Foreign Affairs, but was never brought before chambers for a vote before the end of the 116th Congress.[20] In 2019, Rep. McCollum introduced H.R. 2407, the "Promoting Human Rights for Palestinian Children Living Under Israeli Military Occupation Act." [21] Similar to H.R. 2590 this bill sought to prohibit U.S. military funding being used to detain Palestinian children.[22] This particular issue remains important because "Israel is the only country in the world that automatically prosecutes children in military courts," [23] and effectively denies Palestinian children in the West Bank basic human and civil rights, including right to counsel and rights against torture and interrogation.[24] However, H.R. 2407 also was referred to the House Committee on Foreign Affairs

and never brought before chambers for a vote.[25] Rep. McCollum has long sought to condition aid to Israel,[26] and H.R. 2590 is her most supported bid yet.

Following the violent crisis between Israel and Palestine in May 2021,[27] which garnered massive international attention and condemnation on both sides,[28] it appears that this bill is gaining more support than its predecessors. The status quo of remaining silent on criticizing Israel and the formerly bi-partisan nature of U.S.-Israel aid has now been disrupted. H.R. 2590 is seeing historic support with thirteen Representatives co-sponsoring the bill upon its introduction.[29] On May 14, 2021, eleven Representatives delivered passionate floor speeches calling for Israel to end its violence and human rights violations against Palestinians.[30] Looking beyond D.C., according to a recent Gallup poll, Americans' sympathy towards the plight of Palestinians is growing, with a growing number of Americans supporting the U.S, putting more pressure on Israel.[31]

Rep. McCollum has said herself that “H.R. 2590 will likely never pass Congress.”[32] Despite her acceptance of this, Rep. McCollum persists, and shows us why we too must continue to support this kind of legislation, even if its passage seems unlikely. As Rep. McCollum said, “[t]he power of this legislation is forcing a legitimate, open, transparent, and policy-focused debate while exposing the reality that the status quo is the path of endless conflict.”[33] The conversation around where U.S. aid to Israel goes, and whether Americans approve of how it is spent, is becoming more mainstream and less taboo. We can see evidence of this on news channels, in our social media, and around dinner tables, as more Americans are openly analyzing the Israeli-Palestinian Conflict with a more nuanced and critical gaze than was previously the social norm.[34] Rep. McCollum is using the momentum of this shift in discourse to introduce and bring H.R. 2590 to the forefront, as “[t]his bill will eventually transform US policy on Israel/Palestine because it is mobilizing civil society across our country to influence the debate.”[35] Despite H.R. 2590's slim odds of becoming law, the bill can still be considered a success in these significant ways.

[1] *U.S. Relations With Israel*, U.S. Department of State (Jan. 20, 2021), <https://www.state.gov/u-s-relations-with-israel/>.

[2] Vice News, *Why Evangelical Christians Love Israel* | *VICE on HBO*, YouTube (May 15, 2018), https://www.youtube.com/watch?v=Fo77sTGpNgQ&ab_channel=VICENews.

[3] Scott Walker, *Supporting Israel: The only democracy in the Middle East*, Wash. Times (Aug. 22, 2019), <https://www.washingtontimes.com/news/2019/aug/22/supporting-only-democracy-middle-east/>.

[4] *U.S. Foreign Aid to Israel: History & Overview*, Jewish Virtual Libr., <https://www.jewishvirtuallibrary.org/history-and-overview-of-u-s-foreign-aid-to-israel> (last visited Oct. 3, 2021); Jim Zanotti, *Israel: Background and U.S. Relations*, Cong. Rsch. Serv. (Jul. 31, 2018), <https://sgp.fas.org/crs/mideast/RL33476.pdf>.

[5] Jewish Virtual Libr., *supra* note 4.

[6] CPI INFLATION CALCULATOR, <https://www.in2013dollars.com/us/inflation/1987?amount=1200000000> (last visited Oct. 15, 2021).

[7] CPI INFLATION CALCULATOR, <https://www.in2013dollars.com/us/inflation/1987?amount=1800000000> (last visited Oct. 15, 2021).

[8] *Id.*

[9] *Id.*

[10] *See id.*

[11] Press Release, Office of the Press Secretary, The White House, FACT SHEET: Memorandum of Understanding Reached with Israel (Sept. 14, 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/09/14/fact-sheet-memorandum-understanding-reached-israel>.

[12] Ron Kampeas, *Yes, the new federal budget includes \$500 million for Israel. No, that isn't a surprise.*, Jewish

Tel. Agency (Dec. 22, 2020 1:18 PM), <https://www.jta.org/2020/12/22/israel/yes-the-new-federal-budget-includes-500-million-for-israel-no-that-isnt-a-surprise>.

[13] Jillian Kestler-D'Amours & Joseph Stepansky, *In Washington, a debate grows over conditioning aid to Israel*, Al Jazeera (May 6, 2021), <https://www.aljazeera.com/news/2021/5/6/in-washington-a-debate-grows-about-conditioning-us-aid-to-israel>; Hadar Susskind, *For the Good of Both Countries, U.S. Military Aid for Israel Must Be Conditional*, Time Mag. (June 16, 2021 11:08AM), <https://time.com/6073637/u-s-military-aid-israel-must-be-conditional/>.

[14] Kestler-D'Amours & Stepansky, *supra* note 11; Susskind, *supra* note 11; See George Ingram, *What Every American Should Know About US Foreign Aid*, 53 The Ripon F. 16 (Oct. 15, 2019), https://issuu.com/riponsociety/docs/ripon_forum_-_september_2019.

[15] H.R. 2590 (2021).

[16] Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act, <https://mccollum.house.gov/HR-2590> (last visited Oct. 3, 2021).

[17] *Id.*; Marc Rod, *Latest McCollum bill attempts to regulate aid to Israel*, Jewish Insider (Apr. 15, 2021), <https://jewishinsider.com/2021/04/betty-mccollum-legislation-israel-aid/>.

[18] H.R. 8050 (2020).

[19] *Id.*; Jacob Kornbluh, *Rep. McCollum introduces anti-annexation bill despite Israel-UAE accord*, Jewish Insider (Aug. 17, 2020), <https://jewishinsider.com/2020/08/rep-mccollum-introduces-anti-annexation-bill-despite-israel-uae-accord/>.

[20] H.R. 8050 (2020).

[21] H.R. 2407 (2019).

[22] *Id.*; Gabe Schneider, *Rep. Betty McCollum has become one of the strongest critics of Israeli policy in Congress*, MinnPost (Aug. 9, 2019), <https://www.minnpost.com/national/2019/08/rep-betty-mccollum-has-become-one-of-the-strongest-critics-of-israeli-policy-in-congress/>.

[23] Ronna Bolante, *Thousands of Palestinian children have been arrested and prosecuted by the Israeli military*, AFSC (Apr. 28, 2021), <https://www.afsc.org/story/thousands-palestinian-children-have-been-arrested-and-prosecuted-israeli-military>.

[24] *Id.*

[25] H.R. 2407 (2019).

[26] Rod, *supra* note 15.

[27] Patrick Kingsley, *After Years of Quiet, Israeli-Palestinian Conflict Exploded. Why Now?*, N.Y. Times (May 15, 2021), <https://www.nytimes.com/2021/05/15/world/middleeast/israel-palestinian-gaza-war.html>.

[28] Vox Staff, *Israeli-Palestinian tensions erupt into open conflict*, Vox (May 10, 2021, 3:40 PM), <https://www.vox.com/22440330/israel-palestine-gaza-airstrikes-hamas-updates-2021>.

[29] Defense for Children Palestine, *HR 2590 Explained in One Minute*, YouTube (Apr. 16, 2021), https://www.youtube.com/watch?v=_j50zh3iQTs&ab_channel=DefenceforChildrenPalestine.

[30] Susskind, *supra* note 11; Lisa Lerer & Jennifer Medina *Tensions Among Democrats Grow Over Israel as the Left Defends Palestinians*, N.Y. Times (May 15, 2021), <https://www.nytimes.com/2021/05/15/us/politics/democrats-israel-palestinians.html>.

[31] Lydia Saad, *Americans Still Favor Israel While Warming to Palestinians*, Gallup (Mar. 19, 2021), <https://news.gallup.com/poll/340331/americans-favor-israel-warming-palestinians.aspx>.

[32] Alex Kane, *"They Have Never Lived One Day of Freedom"*, Jewish Currents (May 14, 2021), <https://jewishcurrents.org/they-have-never-lived-one-day-of-freedom/>.

[33] *Id.*

[34]See Kingsley, *supra* note 22; Vox Staff, *supra* note 23.

[35] Kane, *supra* note 30.