

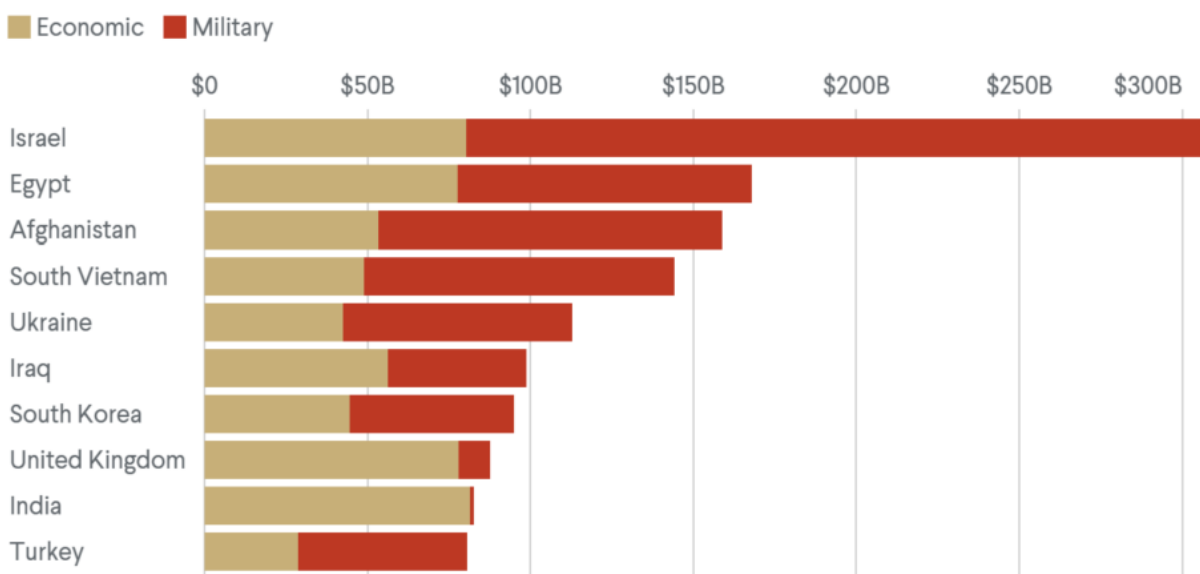
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By Gary Taphorn

There's foreign aid—and then there's foreign aid to Israel. The massive amount of U.S. military and other assistance to Israel, estimated at a mind-boggling \$310 billion^[1] by the Council on Foreign Relations, dwarfs American aid to all other countries in the modern (post-WWII) era. In fact, a close look at the CFR bar chart reveals that, when it comes to recipients of American largesse, Israel is in a class by itself. For example, the number two recipient (Egypt) weighs in at \$168 billion, barely half that of Israel. The aid to Egypt must be considered in light of the country's grinding poverty (hence the relatively large amount of economic aid at \$78 billion) and the fact that, were it not for Egypt's 1978 Camp David Accord with Israel, American aid would be substantially less. The number three and four recipients on the list (Afghanistan and South Vietnam) both represent utterly failed American strategic endeavors and no longer have active foreign assistance programs. The success of U.S. assistance to both the fifth and sixth largest recipients (Ukraine and Iraq) remains very much in doubt. It is not until we reach the number seventh largest recipient (South Korea at \$95 billion) that we find an undisputed long-term American success. This is in spite of the fact that its arch-enemy North Korea now has a nuclear weapons arsenal.

Israel Is the Largest Cumulative Recipient of U.S. Aid

Total aid from fiscal years 1946 to 2024* (constant 2022 dollars)



Foreign Military Financing - the Checkbook in the Sky

While America's conservative Republicans and liberal Democrats may disagree on numerous other issues of the day, they are of virtually one mind when it comes to aid to Israel. In a recent article,[\[2\]](#) I documented two factors through which the United States has enabled Israel to become a regional military superpower (and neighborhood bully). The first of these is the Foreign Military Financing (FMF) program, which acts as a massive checking account in the U.S. Treasury through which Israel pays for most of its American military equipment and services. As a Congressionally appropriated grant program, this means that American taxpayers are effectively funding Israel's military "purchases," whether from the Pentagon or from U.S. defense contractors. For 2025, Israel has been slated to receive \$3.3 billion[\[3\]](#) in FMF (part of which can be spent inside Israel, rather than through U.S. industry). In addition, Israel receives another annual grant appropriation of \$500 million from the Defense Department for its missile defense programs, such as Iron Dome. Israel's FMF alone (at \$3.3 billion) represents 54% of the requested worldwide FMF appropriations[\[4\]](#) of \$6.084 billion for the current fiscal year.

Qualitative Military Edge - Israel's Free Insurance Policy

The second factor enabling Israel is the concept of a "Qualitative Military Edge" (QME) for Israel vis-à-vis its neighbors. Congress initiated a "requirement" for QME through the little-known "Naval Vessel Transfer Act" of 2008 in the final weeks of the strongly pro-Zionist George W. Bush administration. It quickly and quietly became Public Law 110-429[\[5\]](#) just weeks after it was introduced. In brief, the act requires the President (i.e., the Executive Branch) to periodically "carry out an empirical and qualitative assessment on an ongoing basis of the extent to which Israel possesses a qualitative military edge over military threats to Israel." The act included an extremely comprehensive "definition" of QME, which would consider the "conventional military threat from any individual state or possible coalition of states or from non-state actors..." Of course, the implied consequence of any assessment which found Israel in danger of losing its QME would be used by the Congress to, first and foremost, increase the amount of grant FMF to Israel, whether on a permanent basis or with a supplemental appropriation for a given year. The QME assessments, which are provided to the Congress, are classified and rarely discussed in open sessions. Therefore, it is not known what impact QME may have had after the surprise Hamas attack of October 7, 2023. However, it is interesting to note that Congress in FY 2024 authorized (either by appropriation or approving the transfer of military stocks) at least \$17.9 billion[\[6\]](#), compared to \$3.8 billion in the previous year. All this from a one-day surprise attack by a non-state actor.

The Legal Conundrums

Beyond FMF and QME, we come to a third factor. That is the impact of U.S. law as it

pertains to foreign assistance and its military subset, known (depending on the context) as either security assistance or security cooperation. As would be expected, the transfer of “military articles and services” (a legal term) to other countries is a highly regulated function by the Department of Defense, the military services, and defense contractors. The State Department oversees foreign assistance (a.k.a. foreign aid) at the macro level, ensuring that it is consistent with permanent federal laws, especially the Foreign Assistance Act of 1961 and the Arms Export Control Act of 1976. The Defense Department, in turn, focuses on more granular activities, such as contracting, finance, logistics, transportation, and training.

With this in mind, any examination of Israel’s long-term behavior is bound to bring to light a number of contraventions of U.S. law, actions that are well-known to the Washington deep state but have simply been ignored for decades. Although we could mention more Israeli actions or policies that constitute violations of U.S. law, we will focus here on only three. It should also be noted that these actions of Israel are illegal insofar as it is a recipient (indeed, the largest recipient) of U.S. foreign assistance. Once the federal government determines that such actions are illegal, the relevant law also specifies the penalty or sanction (typically the suspension of all foreign assistance) and whether a waiver may be applied.

The Nuclear Pariah State

Israel’s most obvious violation of U.S. law involves its long-standing nuclear weapons program, which it has never formally admitted or, for that matter, denied. Israel began cultivating a nuclear capability shortly after independence in 1948 and is widely believed to have produced an actual weapon by the time of the Six-Day War in 1967. Adding insult to injury, ample evidence[\[7\]](#) indicates that Israeli agents orchestrated the theft of hundreds of kilograms of enriched uranium from an American facility in Pennsylvania. Further evidence came to light in 1986 when Mordechai Vanunu[\[8\]](#), a disenchanted technician at Israel’s Dimona nuclear “research center,” sold sensitive pictures of the facility to the British press. Occasionally, an Israeli government official has been known to refer to its nuclear capability in a slip of the tongue. In November 2023, a junior Israeli minister[\[9\]](#) “publicly considered dropping a nuclear bomb over Gaza,” for which he was reprimanded and suspended by Prime Minister Netanyahu. But perhaps the most compelling evidence[\[10\]](#) of Israel’s program came via an American VELA satellite on September 22, 1979, as it captured the classic indicators of a nuclear blast, a clandestine event which intelligence analysts traced to Israel.

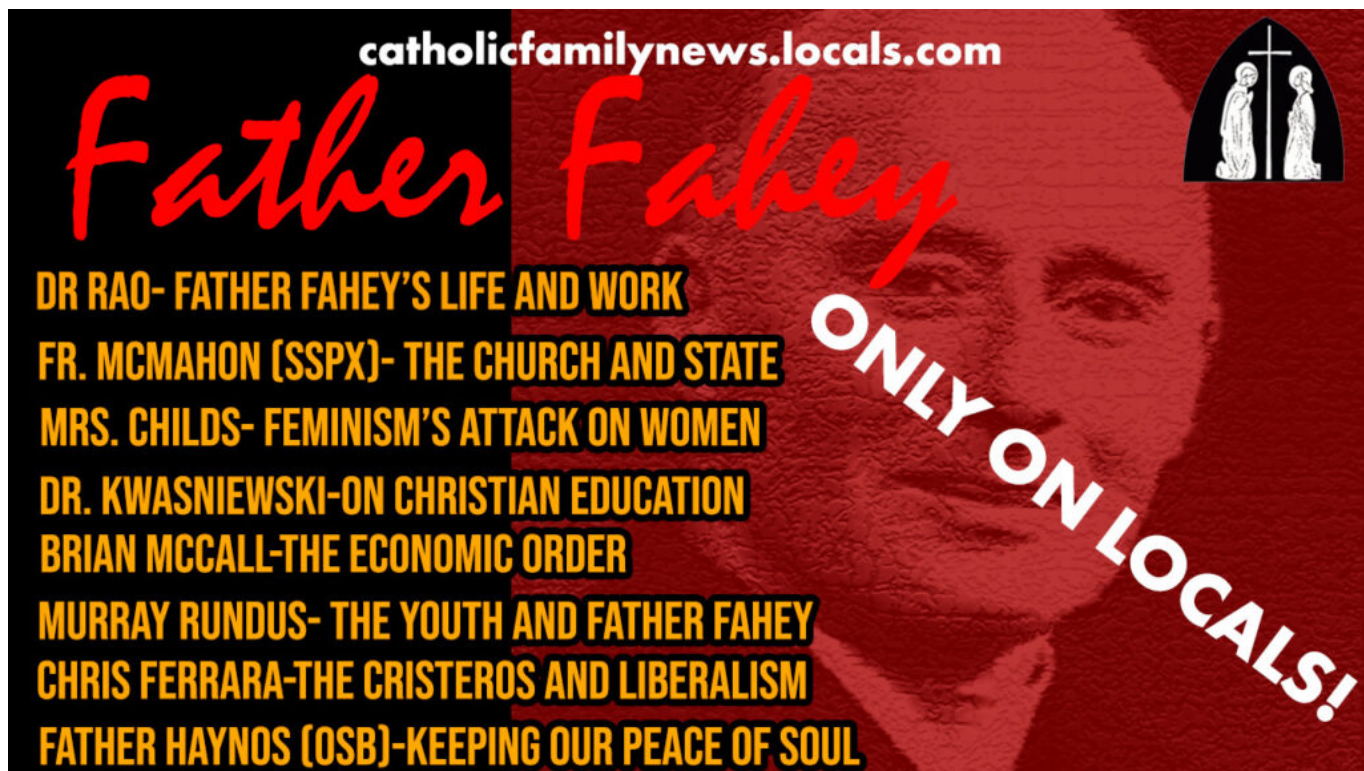
Consistent with this evidence and despite international pressure, Israel has remained one of the few countries that refused to sign the 1970 Treaty on the Non-Proliferation of Nuclear

Weapons (NPT[\[11\]](#)). By 1978, President Carter and Congressional Democrats had enacted the Nuclear Non-Proliferation Act,[\[12\]](#) which restricted the export of civil nuclear programs to other nations and otherwise barred U.S. economic and military assistance to countries which engaged in certain nuclear-related activities. Most of these restrictions, known as the Symington and Glenn Amendments[\[13\]](#), were incorporated into the Foreign Assistance Act of 1961.

Although Israel was an obvious target for such legislation, at no point in the last 45 years has any serious discussion occurred in Congress or the Executive Branch about nuclear sanctions on Israel. In fact, as noted by the *Washington Post*, by the 1990s Israel was demanding[\[14\]](#) that “*President Bill Clinton and every subsequent American president commit to a secret agreement[\[15\]](#) that the United States will not press the Jewish state to give up its nuclear weapons so long as it continues to face existential threats.*” Clinton succumbed to the point that his administration promulgated a regulation that threatened[\[16\]](#) “past and present government employees with harsh actions, including firing, if they publicly acknowledge that Israel has nuclear weapons.”

The so-called “death penalty” of nuclear sanctions for Israel is widely known. As noted by a State Department nonproliferation expert writing[\[17\]](#) in 2023 for the Carnegie Endowment for International Peace, “Glenn Amendment sanctions for detonation or receipt of a nuclear explosive device have been viewed as a ‘death sentence’ because of the breadth of sanctions and because there is no presidential waiver.”

Finally, we note that the Trump Administration has committed itself to defending Israel, which *has not signed* the NPT and which clearly has a rogue nuclear program, against Iran, which *is an NPT signatory* and therefore at least officially, complies with the NPT nonproliferation guidelines and safeguards. The irony of this situation is no doubt lost on Donald Trump and his pro-Zionist cabinet.



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Human Rights

A second area covered by U.S. law, and where Israel's record is woefully short of compliance, is the human rights records of foreign governments. Washington's interest in human rights is normally a back-burner issue that only surfaces for a few weeks each spring when the State Department is required to submit an annual report to the Congress. That report (and testimony) is supplemented by individual human rights reports on each country. The Trump Administration has yet to submit its report to the Congress for the year 2024, so the most current data on the State Department website is the 2023 annual report^[18], submitted in April 2024. The preface to that document includes this comment (with author's italics) about Israel's actions after the Hamas attack of October 2023: "As Israel exercises its right to self-defense, we [the U.S. embassy in Jerusalem] have made clear that it must conduct military operations in accordance with international law and take every feasible precaution to protect civilians. We continue to urgently raise concerns surrounding the *deaths of and injuries to tens of thousands of Palestinian civilians in Gaza, including women, children, persons with disabilities, and other vulnerable persons. We repeatedly have pressed concerns about Palestinian civilians' access to humanitarian assistance, displacement of the majority of the population of Gaza, and the unprecedented number of journalists killed.* We have repeatedly condemned Hamas' abhorrent misuse of civilians and civilian infrastructure as human shields and its continued refusal to release all hostages.

We also continue to condemn the record levels of violence in the West Bank, including attacks by violent extremist settlers against Palestinian civilians."

As the reader drills down to the individual country reports, he cannot help but notice that the report on Israel has a separate section[\[19\]](#) on the occupied territories of the West Bank and Gaza (since 1967) where human rights conditions are starkly worse than in Israel itself. Certainly, the human rights records of the Palestinian Authority on the West Bank and Hamas in Gaza are unsatisfactory (to say nothing of the abhorrent Hamas attack of October 2023). However, the documentation of numerous Israeli abuses throughout the 148-page report should clearly be sufficient to raise serious questions in Washington. (It should be mentioned that the extent of Israeli abuses in this latest annual report is not substantially different than that documented in previous years).

As one example among numerous outrageous incidents, we cite this documentation involving a U.S. citizen: *"On June 13 [2023], Israeli military prosecutors closed the investigation into the January 2022 death of U.S. citizen Omar Assad without bringing charges against any ISF [Israel Security Force] personnel. Members of the Netzah Yehuda battalion of the IDF had pulled Assad, age 78, a Palestinian American, from his car as he was traveling home and detained him, applying a blindfold, gagging him, and binding his wrists, according to media reports. Assad was found dead shortly after the soldiers left the scene, but the Advocate General's Corps stated that no causal link was found between the soldiers' conduct during the detention and Assad's subsequent death. Rights groups criticized the investigation's findings, citing the PA [Palestinian Authority] medical examiner's report as showing that Israeli security forces' treatment of Assad induced high levels of stress that directly caused a heart attack and death. Israeli press reports noted that his gagging could have impeded Assad's breathing and his ability to request help."*

The Leahy Law

Separate from the annual human rights reporting required by federal law (again, the Foreign Assistance Act), the State Department tracks two specific functions of foreign governments with human rights implications. The first of these is loosely known as the Leahy Law[\[20\]](#), after longtime U.S. Senator Patrick Leahy of Vermont. The Leahy Law prohibits U.S. foreign assistance (such as training or the purchase of weapons) to a foreign "security force" (typically military or police) that may have committed a "gross violation of human rights." The Leahy Law has both a State Department and a Defense Department variant in law, depending on the source of U.S. funding. The State Department even maintains an online "Human Rights Reporting Gateway"[\[21\]](#) by which "whistle-blowers" or other parties can submit information on suspected violations of the Leahy Law. The abuses of the IDF over many years in both the West Bank and the Gaza Strip, as documented in the

annual human rights reports, should easily be proof of Israel's systemic violation of the Leahy Law. The IDF is, after all, largely equipped with U.S. weapons and munitions, from individual and crew-served weapons to fighter aircraft.

Restricting Humanitarian Assistance

A second area of concern, also addressed in the Foreign Assistance Act, occurs when a foreign government "prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance." Clearly, this has been the case in Gaza for well over a year. As documented[\[22\]](#) by the Centers for Civilians in Conflict, *"legislators and experts have repeatedly raised concerns that continued US assistance to Israel violates Section 620I [of the Foreign Assistance Act]... Bombardment has destroyed much of Gaza's agricultural and fishing capacity and civilians in Gaza face an acute risk of famine. The government of Israel has consistently and arbitrarily impeded US-funded humanitarian assistance programs in Gaza, including by closing routes through which assistance may be provided, refusing permission for the movement of humanitarian assistance within Gaza, failing to observe its own deconfliction guarantees, and prohibiting the entry of essential humanitarian items based on a constantly changing and overly broad use of 'dual-use' items."* Beyond this damning assessment was a joint press release[\[23\]](#) last November by Ox Fam International and seven other humanitarian organizations on the situation in Gaza. The document, entitled "Israel Receives Failing Grade on U.S. Demands in Gaza," included a "scorecard[\[24\]](#)" which noted that "Israel has consistently failed to uphold its legal obligation to facilitate adequate humanitarian relief for civilians in Gaza." Finally, we note the highly unusual action of two premier human rights organizations – Amnesty International[\[25\]](#) and Human Rights Watch[\[26\]](#) – last December, when both groups publicly accused Israel of genocide in Gaza.

Marco Rubio Silences Criticism of Israel at State

As if Israel's human rights record were not sufficiently deplorable, the new Secretary of State, Marco Rubio, appears to be re-organizing his department to minimize whatever negative impact the annual human rights reports have about Israel. Rubio has referred[\[27\]](#) to the human rights office (under the Bureau of Democracy, Human Rights, and Labor) as a hotbed of "left-wing activists" who want to pursue "arms embargoes" against Israel. In fact, the human rights office seems to be the only source in the State Department for a balanced view against the radical pro-Zionist approach that always dominates the State Department leadership and the Bureau of Near East Affairs. A former director of the human rights office, who retired in 2023, offered this comment[\[28\]](#) to The Intercept: "This 'anti-Israel' stuff is so deeply incorrect. The tendency in the Department is exactly the opposite. The Department is pro-Israel to the point of overlooking gross violations of human rights. The Department

closes its eyes to it.” The State Department’s overwhelming support of Israel’s actions in Gaza caused at least one senior official in the Bureau of Political-Military Affairs to resign his post in protest. He has since joined[\[29\]](#) a number of other U.S. Government officials and military officers who have recently resigned, mostly in protest over human rights abuses.

End Use of Weapons

The third area of concern is typically referred to within government channels as “end use.” Essentially, after a military article is transferred to a foreign government, U.S. law imposes three “end use” provisions on the recipient, known as *transfer*, *use*, and *protection*. In abbreviated legal terminology, the other government must agree to[\[30\]](#):

- *Not transfer* equipment to third parties without first receiving written U.S. government authorization;
- *Not use* the defense article for purposes other than those for which they were furnished without first receiving written U.S. government authorization; and,
- *Maintain* the security of any item with substantially the same degree of protection afforded to it by the U.S. government.

Needless to say, the U.S. concern with end use violations varies widely, not only from country to country, but also with the type of military article being transferred. As a hypothetical example, the level of concern (and degree of monitoring) over a Multiple Launch Rocket System transferred to Pakistan will be considerably higher than that for tactical FM radios (a non-lethal item) transferred to a NATO ally such as Greece. End use monitoring by the U.S. government, typically conducted by personnel assigned to the American embassy in the individual country, is widely regarded as a “weak link” (from the author’s experience and other sources) which is susceptible to abuse by the host nation. As with nuclear and human rights sanctions, the penalty for an end use violation could potentially be the complete suspension of the U.S. military assistance program.

In the case of Israel, the issues of *use* and *transfer* have been chronic and widely acknowledged problems. We will first consider the appropriate use of U.S.-origin weapons, which is spelled out in great detail in the Arms Export Control Act, also found at USC §2754[\[31\]](#). While Israel’s abuse of the “use” provision has long been recognized, it reached new levels of alarm with the IDF’s actions in the Gaza Strip since October 2023. Specifically, as reported[\[32\]](#) by Amnesty International, “U.S.-supplied weapons provided to the government of Israel have been used in serious violations of international humanitarian and human rights law, and in a manner that is inconsistent with U.S. law and policy.” (In context, Israeli military personnel may have violated both the human rights Leahy Law and

the Arms Export Control Act in the same action if it were done with U.S.-origin weapons).

The 19-page Amnesty International report[\[33\]](#) was submitted to the U.S. government after President Biden ordered a world-wide review[\[34\]](#) of end-use monitoring in February 2024. Among numerous other incidents cited by Amnesty International is this[\[35\]](#): *“U.S.-made Joint Direct Attack Munitions (JDAM) [were] used by the Israeli military in two deadly, unlawful airstrikes on homes full of civilians in the occupied Gaza Strip in October 2023 that killed 43 civilians—19 children, 14 women and 10 men. These air strikes were either direct attacks on civilians or civilian objects or indiscriminate attacks and should be investigated as war crimes.”* Even before Biden’s directed review, Ox Fam America, also active in the Gaza Strip, submitted a compelling request[\[36\]](#) to the Biden Administration (subsequently ignored), objecting to the American plan to issue Israel tens of thousands of 155mm artillery shells for use in the densely populated Gaza Strip. Since the IDF is largely U.S.-equipped, it is likely that many or most of its human rights violations also entail end use violations. Then there is, for example, the Israeli “pre-emptive” air strike carried out with U.S.-origin aircraft and munitions on Iran beginning on June 13. If that is determined to be an act of war, it is yet another instance of illegal end use. In the wake of the unprovoked Israeli and American airstrikes on Iran in June, some members of Congress are actually proposing[\[37\]](#) that the U.S. transfer (and, of course, fund) the B-2 stealth bomber[\[38\]](#) to Israel. The transfer would include the so-called “bunker buster” bomb[\[39\]](#) (GBU-57A/B Massive Ordnance Penetrator) used by the Americans on June 22. Neither the aircraft nor the bomb has ever been authorized for transfer to another country, let alone one with the reckless foreign policy of Israel. The costs alone would seem to be prohibitive, with some estimates of the B-2 bomber now costing about a billion dollars per copy.

Illegal Transfers

Finally, there is the problem of Israel’s flagrantly illegal transfer of military weapons, also widely known in U.S. government and defense contracting circles. An extensive 1995 article[\[40\]](#) in *Foreign Policy* includes these opening remarks: *“Evidence shows that Israel has systematically circumvented U.S. restrictions on the re-export of U.S. defense products, components, and technical data. Other countries have been caught evading U.S. re-export controls, but Israel’s case appears unique. Not only is it the beneficiary of massive U.S. support, but it is also by far the principal offender and foremost concern of U.S. officials responsible for implementing the laws on re-export of U.S. defense products. Unauthorized Israeli re-transfers of U.S. defense items and technology are of particular concern for several reasons, say U.S. officials: Israel re-exports much more often than do other allies and with more sensitive technology; it sells to “pariah” states with which the United States refuses to deal; its sophisticated defense industry makes retransfers harder to track than those of other arms exporters; and its retransfers are generally government sanctioned and*

not simply the result of a wayward company, as is usually the case elsewhere.”

The article continues with specific information on a number of U.S.-origin weapon systems that Israel has repackaged or “reverse engineered” (the reverse engineering itself is a violation of end use). Such weapons include, for example, the AIM-9L Sidewinder missile (modified into the Israeli Python 3) and Martin-Marietta’s HAVE-NAP missile (modified into the Israeli Popeye). Israel is also known to have transferred to China some of its own weapons whose development was (outrageously) funded by the U.S., such as the Arrow missile and the Lavi fighter aircraft. The consequences of this clandestine industry in Israel are disastrous for the United States. Sensitive technologies are transferred to American enemies (particularly China), U.S. forces in combat are (perhaps unknowingly) placed at greater risk, and U.S. defense companies must cope with unfair Israeli competition in sales to allies. As a final point, Israel is also known to have transferred American small arms to settlers throughout the West Bank, which itself is a violation of the “transfer” provision since they are private citizens, not officers or agents of the Israeli government.

Summary

Israel fought its 1948 “war of independence” with second-hand weapons from Czechoslovakia and a handful of old British Spitfire aircraft. In the following 77 years, Israel has become the preeminent military power in the Middle East with state of the art weapons throughout its military ranks. This has been possible because of Israel’s political coercion of the United States, hugely imprudent American policy decisions, Israel’s flaunting of U.S. laws, and an apathetic American deep state. The United States is now responsible in large measure for the raw military power wielded by the IDF and its amoral actions in combat, controlled by an increasingly hawkish Israeli government. The challenge for the United States is to rein in the brutal and aggressive regime which it helped create before Israel drags it into yet another regional war.



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