

To the office of U.S. Senator Chris Van Hollen

Re: SRES 852 (119th Congress), A resolution requesting information on Israel's human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961. • Latest action (2026-09-29): Motion to discharge Senate Committee on Foreign Relations rejected by Yea-Nay Vote. 47 - 51. Record Vote Number: 252. (consideration: CR S5158-5159)

VFA SI Solution #388 • published 2026-10-12 • <https://www.valuesforamerica.com/solutions/388>

Office of record (Congress.gov): 730 Hart Senate Office Building Washington, DC 20510, Washington, DC • (202) 224-4654

Narrow Oversight Report on Citizen Deaths and Detention Conditions

The measure, as described from the official record: Seek a factual United States government account of alleged killings of United States citizens linked to Israeli forces or settlers since 2022 and of related detention conditions. Separate that fact-finding goal from any later decision on security aid.

THE PROPOSAL

Congress has the power to control federal spending and to oversee how funds are used abroad, and that power supports narrow fact-finding before any aid decision. Article I, Section 8, Clause 1 grants Congress power to provide for the common defence and general welfare through spending, and Article I, Section 8, Clause 10 grants power to define and punish offences against the law of nations. The strongest objection is that foreign affairs belong to the executive and Congress should defer; the answer is that this proposal would not direct diplomacy or decide aid, it would only require facts Congress needs to exercise its own spending power, while the Fifth Amendment Due Process and the Tenth Amendment limit how those facts are gathered and used.

The VFA proposal would create a narrow, time-limited fact-finding report instead of an open-ended inquiry. The official summary states the original request was introduced on 2026-09-14 and the motion to discharge the Senate Committee on Foreign Relations failed by 47-51 on 2026-09-29, so the measure is not law. The VFA proposal would direct the Secretary of State to send Congress one unclassified public report, with a classified annex only if needed to protect sources and methods.

The report would cover the elements named in the official summary. It would list credible information on the deaths of the named United States citizens and any other citizen deaths since 2022 linked to the forces or groups described, steps taken toward investigation and accountability, the status of United States citizens held in prisons, and conditions for Palestinian children in military detention in the West Bank. Any person named as a possible suspect would be described as alleged, with the basis stated and with no finding of guilt. Sources would be graded for reliability.

The proposal would add safeguards VFA views as new. It would require that claims be labeled by

confidence level, that exculpatory information be included, that privacy protections apply to victims and minors, and that the unclassified report avoid material that could harm pending cases or intelligence sources. The Government Accountability Office would check whether the report answered each required element and whether the methods were documented.

The measure would be strictly limited in cost, time, and effect. It would use existing State Department funds up to a fixed cap, expire after two years, and authorize no change to aid on its own. Any later aid decision would require separate action by Congress. This keeps fact-finding separate from punishment and protects both accountability and fairness.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Enactment, with the first report due 120 days later
Enforcement Mechanism	The Secretary of State would submit the report on time in unclassified form with a classified annex if needed; if the report is late or incomplete, specified Foreign Affairs funds would be held until delivery, and incomplete suspect identifications would be marked as alleged and unverified
Funding Amount	Capped at \$2 million for report preparation, drawn from existing funds, with no new hiring authority
Funding Source	Existing Department of State diplomatic and oversight funds, with no new tax or fee
Oversight Body	Department of State, reporting to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs, with review by the Government Accountability Office
Sunset Years	2 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1
- Article I, Section 8, Clause 10
- Fifth Amendment Due Process
- Tenth Amendment

Concerns with the measure as written:

- Scope and due process: public naming of potential suspects before charge or trial could harm reputation and fairness protected by Fifth Amendment Due Process.
- Federalism limits: findings should inform federal aid and oversight decisions, not direct state action or displace powers reserved by the Tenth Amendment.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses the gain for Democrats or progressives as a timely public accounting of harm to United States citizens abroad and of detention conditions, with each required element named in the report. VFA assesses the gain for Republicans or conservatives as protection of the security partnership through regular order, a factual record before any aid decision, narrow scope tied to citizens and oversight, and firm cost and time limits with no automatic change to aid.

Strongest objection, and the answer: The strongest objection is that foreign affairs belong to the executive and Congress should defer; the answer is that this proposal would not direct diplomacy or decide aid, it would only require facts Congress needs to exercise its own spending power, while the Fifth Amendment Due Process and the Tenth Amendment limit how those facts are gathered and used.

CHECK BEFORE RELYING ON THIS

Basis: The official Congress.gov summary of Senate Resolution 852 in the 119th Congress, which describes a request for an unclassified State Department statement on citizen deaths, suspect identities, investigative steps, detained citizens, and children in military detention, plus the recorded committee discharge motion outcome.

The full resolution text, current law under section 502B, eligibility rules, appeal rights, cost effects, and any later action after September 29, 2026 were not shown in the official summary; readers should verify the current text and status at Congress.gov before relying on details.

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