

Congress of the United States
Washington, DC 20515

March 23, 2024

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

We write to you deeply alarmed by the mounting humanitarian catastrophe in the Gaza Strip. For months following Hamas' horrific October 7th attacks, which you and the U.S. Congress have rightly condemned, you have urged the Israeli government to exercise its right to self-defense judiciously while prioritizing the protection of innocent lives. Instead, the Israeli government, led by Prime Minister Benjamin Netanyahu, has restricted the entry of humanitarian aid into Gaza by placing onerous burdens on the oversight of aid, severely limiting entry points for aid delivery, and arbitrarily preventing food, medicine, and other supplies from entering Gaza. As officials from your administration have warned¹, a famine is imminent in Gaza. Such a famine would constitute a serious moral failure that risks the lives of millions of innocent Palestinians and undermines the national security interests of both the United States and Israel.

Given the catastrophic and devolving humanitarian situation in Gaza, we urge you to enforce the Humanitarian Aid Corridor Act (Section 620I of the Foreign Assistance Act) and, as required by that law, make clear to the Israeli government that so long as Israel continues to restrict the entry of humanitarian aid into Gaza, the continued provision of U.S. security assistance to Israel would constitute a violation of existing U.S. law and must be restricted.²

The United States is a leading funder of humanitarian aid to Gaza. Despite your administration's efforts to ensure that life-saving humanitarian assistance reaches civilians in need, the Israeli government has repeatedly obstructed the delivery of U.S.-funded and supported humanitarian aid.³ Israeli authorities have refused to open sufficient overland border crossings to humanitarian aid – forcing the United States to rely on less-efficient airlifts and maritime delivery; imposed arbitrary restrictions on vital humanitarian goods; and blocked the delivery of flour and other foodstuffs to feed the people of Gaza.⁴ Nearly half of the population of Gaza is under 18, and children are bearing the brunt of Gaza's suffering.

¹ <https://twitter.com/PowerUSAID/status/1769849566214451625>

² 22 U.S. Code §2378–1

³ <https://policy-practice.oxfam.org/resources/inflicting-unprecedented-suffering-and-destruction-seven-ways-the-government-of-621591/> ; <https://www.refugeesinternational.org/reports-briefs/siege-and-starvation-how-israel-obstructs-aid-to-gaza/> ; <https://www.amnesty.org/en/latest/news/2024/02/israel-defying-icj-ruling-to-prevent-genocide-by-failing-to-allow-adequate-humanitarian-aid-to-reach-gaza/> ; <https://www.hrw.org/news/2024/02/26/israel-not-complying-world-court-order-genocide-case>

Within the last month, U.S. leaders and the international community have repeatedly assessed that the situation for civilians in Gaza is dire and rapidly worsening:

- The International Food Security Phase Classification reported that over 2.1 million people in Gaza are facing crisis, emergency, or catastrophic states of acute food insecurity.⁵
- U.S. Agency for International Development Administrator Samantha Power reiterated global concerns that famine is imminent in northern Gaza, a region under Israeli military occupation, and warned that there is serious risk of famine for the rest of Gaza. In that statement, she made clear that “Israel must do more to protect civilians and allow humanitarians to safely and consistently deliver assistance” and she called on Israel to “take immediate action to put an end to this mass – and preventable – suffering.”⁶

Under these conditions, it is clear that the continued provision of U.S. weapons to the government of Israel violates Section 620I of the Foreign Assistance Act. Section 620I prohibits the United States from providing security assistance to any government “when it is made known to the President” that the country “prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.”⁷ By restricting the delivery of humanitarian aid – including U.S.-funded humanitarian aid – to civilians in Gaza, the Israeli government has made itself ineligible to receive continued U.S. weapons under Section 620I.⁸

The applicability of Section 620I is limited to weapons systems provided to Israel under Chapters 32 and 39 of Title 22 of the U.S. Code, including 2000-pound bombs that have been used to devastating effect in Gaza. We support the continued provision of defensive systems to protect Israeli civilians. Section 620I does not implicate defensive systems like Iron Dome, which has saved countless lives in Israel for nearly two decades. These systems fall outside of the scope of security assistance covered in Section 620I, as they are not furnished under the Arms Export Control Act or the Foreign Assistance Act. If the enforcement of Section 620I would impact any defensive weapons systems – the law provides for a waiver authority that can be used in consultation with the Congress.

Your administration’s concern for Palestinian civilians has been clear for months. In spite of your efforts, numerous requests for the Israeli government to institute commonsense

⁴ <https://www.nytimes.com/2024/02/14/world/middleeast/israel-unrwa-gaza.html#:~:text=Israel's%20finance%20minister%2C%20Bezalel%20Smotrich,employees%20were%20affiliated%20with%20Hammas.>

⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_Special_Brief.pdf

⁶ <https://www.usaid.gov/news-information/press-releases/mar-18-2024-famine-imminent-northern-gaza>

⁷ <https://civiliansinconflict.org/publications/policy/fact-sheet-section-620i-of-the-foreign-assistance-act/>

⁸ <https://www.hrw.org/news/2024/03/13/joint-letter-president-biden-continued-us-security-assistance-israel>

humanitarian protections have not resulted in the delivery of sufficient aid to Gaza. While dialogue between allies is a key part of diplomacy, words are no longer enough to meet the humanitarian crisis of Gaza's scale nor to protect the hundreds of thousands of innocent Palestinians seeking shelter in the war zone. Allowing a famine to take root in Gaza would not only endanger the lives of countless Palestinian civilians, it would also seriously undermine the standing of the United States in the world if we did not take every action possible to avert that outcome. We urge you to act on the law and demonstrate to Prime Minister Netanyahu that U.S. support has firm limits and does not include enabling conditions that will lead to famine in Gaza.

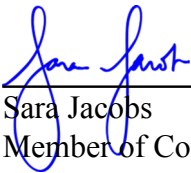
Sincerely,



Joaquin Castro
Member of Congress



James P. McGovern
Member of Congress



Sara Jacobs
Member of Congress



Jan Schakowsky
Member of Congress



Barbara Lee
Member of Congress



Chellie Pingree
Member of Congress