

Congress of the United States

Washington, DC 20515

May 3, 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:

In light of the recent passage of H.R. 8034 to provide security assistance to Israel and humanitarian aid for global crises, and in anticipation of the May 8th congressional reporting deadline required by National Security Memorandum 20 (NSM-20), we write to express our alarm at the deepening humanitarian catastrophe in the Gaza Strip. We urge you to enforce NSM-20, including the underlying law, Section 620I of the Foreign Assistance Act.

We strongly support Israel's right to self-defense and condemn the brutal terrorist attack by Hamas on October 7, in which Hamas killed over 1,200 Israelis, took 235 people hostage, and committed gross violations of international law and human rights. We continue to call on Hamas to immediately release all hostages unconditionally, and strongly support your Administration's efforts to broker a bilateral ceasefire that includes the release of hostages. We condemn the recent unprecedented Iranian attack against Israel launched on April 13 and believe that we must continue to avoid a major regional conflict. To this end, we welcome the concerted diplomatic efforts by the U.S. and allies to prevent further escalation.

We also continue to have serious concerns regarding the Israeli Government's conduct of the war in Gaza as it pertains to the deliberate withholding of humanitarian aid. From the outset of the war, the Netanyahu government [severely restricted](#) the entry of humanitarian aid into the Gaza Strip. Despite repeated requests by your Administration over the past several months, the Netanyahu government resisted efforts to open sufficient land and sea routes for aid into Gaza; failed to [facilitate](#) the [entry](#) of enough humanitarian aid to prevent the civilian population from facing famine; [denied](#) humanitarian access requests; and enforced [arbitrary restrictions](#) on humanitarian goods. [Humanitarian aid organizations](#) have observed how the current Israeli inspection system poses a major impediment to allowing the entry of sufficient quantities of humanitarian aid. These restrictions on US-backed humanitarian aid efforts have contributed to an unprecedented humanitarian catastrophe for Palestinian civilians and to credible reports of famine in parts of Gaza, according to USAID Ambassador Samantha Power.

As a result of your persistent pressure on Prime Minister Netanyahu, we note the Israeli government's recent policy changes to allow an increase of trucks into Gaza, and the opening of additional aid routes and entry points, including the Ashdod port and the Erez Crossing, for the delivery of humanitarian assistance. However, we agree with Secretary Blinken that these efforts need to be carried out fully and may not be sufficient to address U.S. concerns. According to [reports](#), the trucks entering are often half-empty. The Netanyahu government must implement an exhaustive, sustained effort to counteract the harm caused by its own restrictive policies. [Section 620I of the Foreign Assistance Act](#) prohibits the United States from providing security assistance or arms sales to any country when the President is made aware that the government "prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance." As

required by your Administration's [National Security Memorandum 20](#), the Israeli government has [provided](#) written assurances specifically certifying that it will comply with Section 620I.

We believe that despite recent advancements, there is sufficient evidence that Israel's restrictions on the delivery of US-backed humanitarian aid violate Section 620I of the Foreign Assistance Act, and therefore call into question the assurances Israel provided pursuant to National Security Memorandum 20. It is incumbent upon the Secretary of State or Secretary of Defense to begin the assessment and remediation process outlined in the memorandum and consider the variety of tools available to the administration to address these continued violations, from refreshing the assurances to withholding specific arms transfers. We also urge you to make clear to Prime Minister Netanyahu that so long as Israel restricts, directly or indirectly, the facilitation of humanitarian aid delivery into Gaza, the Israeli government is risking its eligibility for further offensive security assistance from the U.S. The security assistance included in the recently passed security supplemental should not be interpreted as a blank check or as implicit approval of the Netanyahu government's actions. Your administration retains the ability per U.S. law and NSM-20 to suspend certain transfers should it find the Netanyahu government is violating U.S. laws and policies.

The language of Section 620I and National Security Memorandum 20 does not implicate U.S. funding for missile defense systems, including Iron Dome, as they are not provided under the authorities of the Foreign Assistance Act or the Arms Export Control Act. We continue to strongly support providing such lifesaving defensive funding to Israel. We also remain deeply committed to Israel's security. We believe that a famine in Gaza is harmful to Israel's own security interests, both in the immediate and the long term. Allowing famine to take hold in Gaza is already severely damaging the Israeli government's international standing and harming prospects for peace.

Your Administration has rightly demanded that Israel do more to facilitate the entry of humanitarian aid. The Netanyahu government's actions and policies call into question the assurances it has provided and justify an inquiry into its compliance with the provisions of U.S. law. We expect the Administration to ensure compliance with existing law and to take all conceivable steps to prevent further humanitarian catastrophe in Gaza.

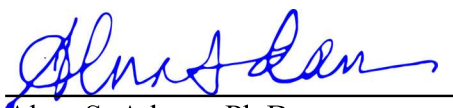
Sincerely,



Jason Crow
Member of Congress



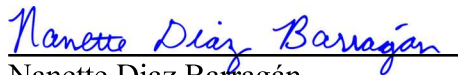
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Member of Congress



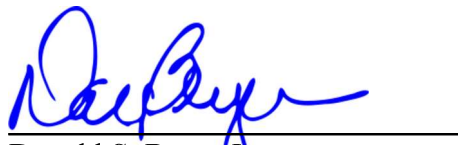
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Member of Congress




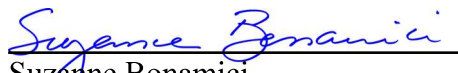
Becca Balint
Member of Congress

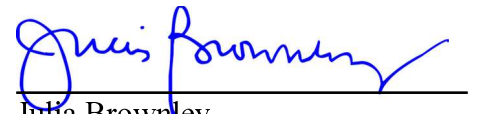

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