

Congress of the United States

Washington, DC 20515

December 17, 2024

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Lloyd Austin
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Blinken and Secretary Austin,

Thank you for your Oct. 13, 2024 letter to Israeli Minister of Defense Yoav Gallant and Israeli Minister of Strategic Affairs Ron Dermer that underscored “the U.S. government’s deep concern over the deteriorating humanitarian situation in Gaza” and urging Israel to take “urgent and sustained actions...to reverse this trajectory...” Your letter lays out concrete measures the Israeli government had to take within 30 days to improve the humanitarian situation in Gaza. Your letter rightly noted that “failure to demonstrate a sustained commitment to implementing and maintaining these measures may have implications for U.S. policy under NSM-20 and relevant U.S. law.” However, despite your Administration acknowledging that the Netanyahu government did not fully address the United States’ concerns over Gaza and has failed to meet all of the conditions stipulated in this letter, the State Department decided not to take further action, including the suspension of offensive military assistance, to ensure full compliance.¹ We are writing to urge you to reconsider that decision.

We believe continuing to transfer offensive weapons to the Israeli government prolongs the suffering of the Palestinian people and risks our own national security by sending a message to the world that the U.S. will apply its laws, policies, and international law selectively. Furthermore, a failure to act will put Israeli lives in danger by prolonging Netanyahu’s war, isolating Israel on the international stage, and creating further instability in the region.

Last month, as the 30-day deadline arrived, your Administration said it would not suspend military assistance to Israel because it determined that the Netanyahu government took some steps to improve the flow of humanitarian aid into Gaza. While Israel made nominal progress in some areas, it overwhelmingly failed to meet the minimum standards laid out in the Administration’s own letter. An independent report by eight leading humanitarian assistance organizations, including Save the Children, Refugees International, Oxfam, Mercy Corps, and Norwegian Refugee Council, found that the Israeli government failed to fully meet any of the Biden Administration’s own criteria to blunt the catastrophe in Gaza, and has only made partial progress on four measures.²

For example, your Administration wrote that Israel must “enable a minimum of 350 [humanitarian aid] trucks per day to enter Gaza.” In the 30 days following the release of the Biden Administration’s letter, an average of only 42 aid trucks entered Gaza daily, with as few as six trucks entering on some days. This represents a massive failure that is costing people their lives.

¹ “US says Israel hasn’t breached its law against blocking aid in Gaza,” BBC News, November 13, 2024, <https://www.bbc.com/news/articles/cvgej83z93qo>.

² “The Gaza Scorecard - Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza,” Mercy Corps, November 2024, <https://www.mercycorps.org/sites/default/files/2024-11/the-gaza-scorecard-nov2024.pdf>.

The Administration stated that Israel must “institute adequate humanitarian pauses across Gaza as necessary to enable humanitarian activities.” However, the third phase of Gaza’s polio vaccination campaign was delayed in moving forward because of escalating violence. When the vaccinations did begin, medical professionals were not provided with access to northern Gaza and a vaccination center was attacked by the Israeli military during a humanitarian pause.³ Tragically, Israeli airstrikes have once again killed humanitarian aid workers. On Nov. 30, 2024, an Israeli airstrike killed a Save the Children employee.⁴ Another Israeli airstrike killed Mahmoud Almadhoun, chef and cofounder of the Gaza Soup Kitchen, who was the brother of a U.S. citizen and author of an op-ed in *The Washington Post* this past April, “Our northern Gaza family will feed our neighbors – until we can’t”.⁵

Finally, you wrote that Israel must end the “isolation of northern Gaza” by “reaffirming that there will be no Israeli government policy of forced evacuation of civilians from northern to southern Gaza” and “ensuring humanitarian organizations have continuous access to northern Gaza.” Yet the leading humanitarian organizations reported last month that not only did the Israeli government fail to meet your criteria, but that it “concurrently took actions that dramatically worsened the situation on the ground, particularly in northern Gaza.” According to the United Nations, the Netanyahu government has denied 82 out of 91 attempts since Oct. 6, 2024 to deliver aid to cut-off areas in northern Gaza.⁶ Between 6,800 and 13,700 children in inaccessible areas of northern Gaza, such as Jabalya, Beit Hanoun, and Beit Lahiya did not receive their second round emergency polio vaccination.⁷ The Israeli government also continues to order evacuations of northern Gaza. During the 30-day time period provided to Israel, roughly 100,000 people were displaced from northern Gaza.⁸

Simply put, the Netanyahu government has not complied with the United States’ repeated requests to allow humanitarian aid to be delivered safely to innocent people. Under U.S. law, the United States government must suspend offensive weapons to any nation that fails to meet these basic standards.

In addition to failing to make progress on the vast majority of the measures laid out in the Administration’s own letter, the Israeli government has also been out of compliance with U.S. law and policy for several months. In May of this year, nearly 90 Members of Congress wrote to President Biden urging the Administration to enforce Section 620I of the Foreign Assistance Act because they had “serious concerns regarding the Israeli Government’s conduct of the war in Gaza as it pertains to the deliberate withholding of humanitarian aid.”⁹ Moreover, in your Administration’s report to Congress on National Security Memorandum 20 (NSM-20), you concluded that U.S.-provided arms had likely been used by Israeli security forces in manners “inconsistent with

³ “Gaza: Strike hits health centre as polio vaccine campaign resumes in ravaged north,” UN News, November 2, 2024, <https://news.un.org/en/story/2024/11/115644>.

⁴ “Save the Children Condemns Killing of Staff Member in Israeli Airstrike in Gaza,” Save the Children, November 30, 2024, <https://www.savethechildren.org/us/about-us/media-and-news/2024-press-releases/save-children-condemns-killing-staff-member-in-airstrike>.

⁵ “‘Targeted & Assassinated’: Gaza Soup Kitchen Chef Mahmoud Almadhoun Killed by Israeli Drone,” *Democracy Now*, December 2, 2024, <https://www.youtube.com/watch?v=8SgQBETrpWU>.

⁶ “As fragile Israel-Hezbollah ceasefire takes hold, what's next for Gaza?,” *NBC News*, November 28, 2024, <https://www.nbcnews.com/news/world/gaza-israel-hezbollah-ceasefire-hostages-rcna181973>.

⁷ “Humanitarian Situation Update #237,” United Nations Office for Coordination of Humanitarian Affairs, November 12, 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>

⁸ “UNRWA Situation Report #148 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem,” United Nations Relief and Works Agency for Palestine Refugees in the Near East, November 20, 2024, <https://www.unrwa.org/resources/reports/unrwa-situation-report-148-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁹ Office of Congressman Jason Crow, May 3, 2024, <https://crow.house.gov/sites/evo-subsites/crow.house.gov/files/evo-media-document/Letter%20to%20President%20Biden%20re%20Humanitarian%20Crisis%20in%20Gaza-v2.pdf>.


its IHL [international humanitarian law] obligations.” Finally, for over a year, human rights groups and the UN have documented Israeli military attacks that violate international law, including attacks on Gaza’s hospitals,¹⁰ tent communities,¹¹ schools,¹² and places of worship.¹³ These violations should also trigger reviews, and the withholding of offensive weapons transfers, under sections 502B and 620M of the Foreign Assistance Act and Section 3 of the Arms Export Control Act.

Your Administration correctly identified steps the Israeli government must take in order for continued transfers of offensive weapons to be in accordance with U.S. law and policy. The Israeli government has failed to take sufficient action or change course. We urge your Administration to adhere to and uphold U.S. law by suspending offensive military transfers to Netanyahu and his government. Failure to do so not only risks our leverage in ceasefire negotiations, it undermines our country’s own national security and weakens America’s commitment to human rights as a cornerstone of our foreign policy. We remain committed to saving Palestinian and Israeli lives. This means doing everything possible to prioritize the release of hostages, secure a lasting ceasefire deal, and move toward long term peace.

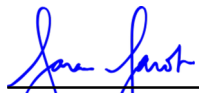
Sincerely,




Greg Casar
Member of Congress



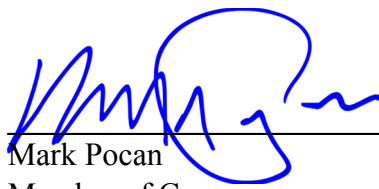
Summer L. Lee
Member of Congress




Sara Jacobs
Member of Congress



James P. McGovern
Member of Congress



Mark Pocan
Member of Congress



Pramila Jayapal
Member of Congress

¹⁰ “UN Commission finds war crimes and crimes against humanity in Israeli attacks on Gaza health facilities and treatment of detainees, hostages,” United Nations, October 10, 2024, <https://www.ohchr.org/en/press-releases/2024/10/un-commission-finds-war-crimes-and-crimes-against-humanity-israeli-attacks>.

¹¹ “Israeli strike on hospital tent camp kills 4 and ignites a fire that burns dozens,” *Politico*, October 20, 2024, <https://www.politico.com/news/2024/10/14/israeli-strike-hospital-tent-00183579>.

¹² “Israel’s Bloody Record of Bombing Schools in Gaza,” *The Intercept*, October 6, 2024, <https://theintercept.com/2024/10/06/israel-bombing-schools-children-gaza-education/>.

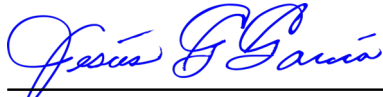
¹³ “Israel bombs Greek Orthodox Gaza church sheltering displaced people,” *Al Jazeera*, October 20, 2023, <https://www.aljazeera.com/news/2023/10/20/war-crime-israel-bombs-gaza-church-sheltering-displaced-people>.



Delia C. Ramirez
Member of Congress



Cori Bush
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Veronica Escobar
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Lloyd Doggett
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Ayanna Pressley
Member of Congress



Rashida Tlaib
Member of Congress



Ilhan Omar
Member of Congress



Bonnie Watson Coleman
Member of Congress



Al Green
Member of Congress



Joaquin Castro
Member of Congress