

Congress of the United States
Washington, DC 20515

May 1, 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 with urgency to say: an offensive invasion into Rafah by Israel in the upcoming days is wholly unacceptable.

We welcome your Administration's efforts to dissuade the Israeli government from this military operation, which would deepen both the humanitarian catastrophe for people in Gaza and the strategic challenges that regional and global stakeholders face in this conflict. As National Security Advisor Jake Sullivan said in March earlier this year, "a major assault would lead to more innocent civilian deaths, worsen the already dire humanitarian crisis, deepen the anarchy in Gaza and further isolate Israel internationally."¹

We now urge you to enforce U.S. law² and policy³ by withholding certain offensive weaponry or other military support that can be used for an assault on Rafah, including the offensive weaponry and aid already signed into law.

Before Hamas' brutal October 7th attacks and the present war, 280,000 Palestinians lived in Rafah.⁴ Now, roughly 1.4 million people are sheltering in Rafah — the vast majority of whom have been displaced one or more times by fighting.⁵ Consequently, Rafah has become one of the most overcrowded places in the world. With shelters too full and insufficient, many families now live on the streets. The collapsed health infrastructure, in addition to sewage overflow and the scarcity of food, water, and medicine, has accelerated the onset of severe malnutrition and the spread of communicable diseases. Acute food insecurity is endemic⁶ in Rafah, even as the

¹ Franco Ordoñez, *Biden speaks with Netanyahu as tensions rise over the war in Gaza*, NPR (Mar. 18, 2024) <https://www.npr.org/2024/03/18/1239298104/biden-speaks-with-netanyahu-as-tensions-rise-over-the-war-in-gaza>.

² Foreign Assistance Act of 1961, P.L. 87-195) <https://www.govinfo.gov/content/pkg/COMPS-1071/pdf/COMPS-1071.pdf#page=160>.

³ The White House, "Memorandum on United States Conventional Arms Transfer Policy," (Feb. 23, 2023) <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-states-conventional-arms-transfer-policy>.

⁴ Júlia Ledur, Adam Taylor, *et al.*, *Rafah was Gaza's last refuge. The overcrowded city is now a target.*, WASHINGTON POST (Mar. 21, 2024) <https://www.washingtonpost.com/world/2024/02/02/israel-rafah-military-operation-maps-photos>.

⁵ United Nations, *Underlining 'Desperation and Scarcity' in Gaza, Special Coordinator Appeals for Ceasefire as Possible Israeli Military Operation Looms Over Rafah* (Feb. 22, 2024) <https://press.un.org/en/2024/sc15600.doc.htm>.

⁶ United Nations, "IPC Global Initiative – Special Brief," Published on Mar. 18, 2024, https://www.un.org/unispal/wp-content/uploads/2024/03/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_S

international community circulates credible reports⁷ that famine is setting in elsewhere in Gaza — all as a result of six months of military operations that you have described as “indiscriminate.”⁸ In addition, we know in fact that Israeli strikes on Rafah have already occurred, including one on April 20th that killed 18 people, including 14 children.

Despite these dire circumstances, the Israeli government is reportedly⁹ on the verge¹⁰ of a full-scale offensive¹¹ on Rafah. In fact, your Administration has stated the United States could only support an offensive in Rafah if it were paired with a “credible and executable” plan to protect civilians.¹² The Israeli government has not provided such a plan¹³ after months of requests, and no such plan is workable in the current crisis. Areas designated as safe zones by Israeli officials elsewhere in Gaza have repeatedly been targeted by Israeli military operations, harming internally displaced persons¹⁴ and humanitarian workers.¹⁵ The Israeli government still has not enabled the safe or regular distribution of aid to displaced populations in Gaza.¹⁶ While the pace of supply trucks entering Gaza has picked up slightly since the unacceptable strike on World Central Kitchen workers, this limited improvement is not nearly sufficient to meet the strip’s catastrophic levels of need. Furthermore, any offensive would put remaining hostages being held in Rafah at grave risk. It is of the utmost importance that both Hamas and Israel immediately come to the table with the international community for a mutually agreed ceasefire deal that can secure the safe return of hostages, full resumption of humanitarian aid, and the space for a negotiated, long-term peace in the region.

In addition to the catastrophic civilian toll — and risk to as many as 130 hostages, including as many as 6 or more Americans — an offensive in Rafah would ultimately undermine the Israeli

[pecial Brief.pdf](#).

⁷ Jacob Knutson, *U.S. aid official says famine has begun in northern Gaza*, AXIOS (Apr. 11, 2024) <https://www.axios.com/2024/04/11/us-official-famine-northern-gaza>.

⁸ Colleen Long & Aamer Madhani, *Biden takes a tougher stance on Israel’s ‘indiscriminate bombing’ of Gaza*, THE ASSOCIATED PRESS (Dec. 12, 2023) <https://apnews.com/article/biden-israel-hamas-oct-7-44c4229d4c1270d9cfa484b664a22071>.

⁹ *The Latest | Tent compound rises in southern Gaza as Israel prepares for Rafah offensive*, THE ASSOCIATED PRESS (Apr. 23, 2024) <https://apnews.com/article/israel-iran-hamas-latest-04-23-2024-7eb0c352bd4b9f7f87ff197be77d70d1>.

¹⁰ Barak Ravid, *Top Israeli and Egyptian officials secretly meet to discuss possible Rafah invasion*, AXIOS (Apr. 24, 2024) <https://www.axios.com/2024/04/24/israel-gaza-rafah-operation-egypt>.

¹¹ Nidal Al-Mughrabi, *Israel intensifies strikes on Rafah ahead of threatened invasion*, REUTERS (Apr. 25, 2024) <https://www.reuters.com/world/middle-east/israel-intensifies-strikes-gazas-rafah-ahead-threatened-invasion-2024-04-25>.

¹² The White House, “Readout of President Biden’s Call with Prime Minister Netanyahu of Israel,” Feb. 11, 2024, <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/11/readout-of-president-bidens-call-with-prime-minister-netanyahu-of-israel-11>.

¹³ *Blinken: Military operation in Rafah would have ‘terrible consequences’ for civilians*, VOA NEWS (Apr. 19, 2024) <https://www.voanews.com/a/blinken-military-operation-in-rafah-would-have-terrible-consequences-for-civilians-/7577561.html>.

¹⁴ *Hala Gorani & Briony Sowden, NBC News investigation reveals Israel strikes on Gaza areas it said were safe*, NBC NEWS (Apr. 26, 2024) <https://www.nbcnews.com/news/world/palestinians-killed-israeli-strikes-safe-zones-exclusive-nbc-report-rcna148008>.

¹⁵ Haley Willis, Robin Stein, *et al.*, *‘We’re Aware of the Location’: Aid Groups in Gaza Coordinated With I.D.F. but Still Came Under Fire*, N.Y. TIMES (Apr. 25, 2024) <https://www.nytimes.com/video/world/100000009393031/aid-groups-gaza-israel.html>.

¹⁶ Shira Rubin & Yasmeeen Abutaleb, *Israel faces crisis of its own making as chaos and hunger engulf Gaza*, N.Y. TIMES (Mar. 14, 2024) <https://www.washingtonpost.com/world/2024/03/14/israel-gaza-famine-hunger-netanyahu>.

and U.S. governments' strategic interests. Israeli and U.S. military bases in the region have recently been the targets of repeated drone and missile attacks — a dangerous indication of how unstable the Middle East has become as a result of the Gaza war. An Israeli offensive in Rafah risks the start of yet another escalatory spiral, immediately putting the region back on the brink of a broader war that neither Israel nor the United States can afford.

Violations of international law frequently guarantee strategic failure. U.S. law and policy conditioning the use of security assistance on upholding human rights exists to protect both innocent lives and keep partner governments from disastrous missteps — it is vital to enforce their terms. We urge you to invoke existing law and policy to immediately withhold certain offensive military aid to the Israeli government, including aid sourced from legislation already signed into law, in order to preempt a full-scale assault on Rafah. If the Israeli government will not uphold international law and protect civilians, then the United States must act to protect innocent life. We urge you to continue your work toward achieving a lasting ceasefire that will bring hostages home and build a path toward safety and security for all.

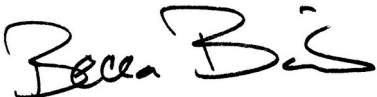
Sincerely,



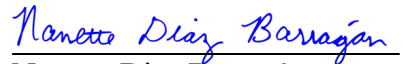
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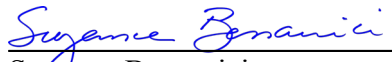
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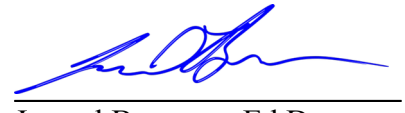



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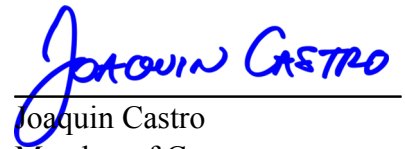

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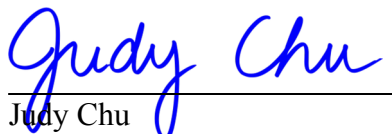

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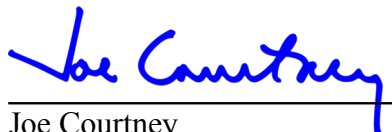

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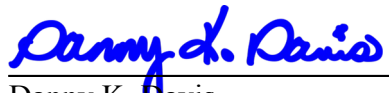

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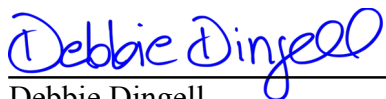

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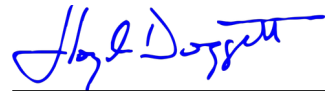
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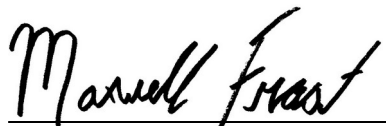
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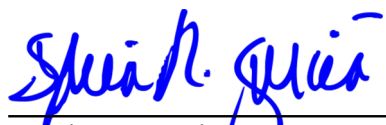
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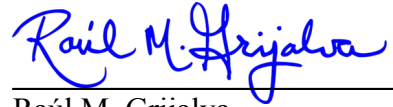
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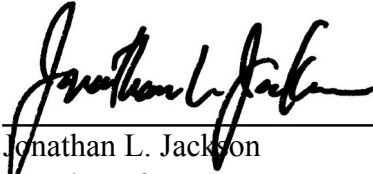
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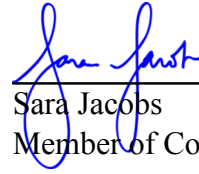
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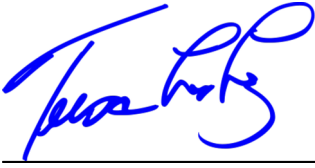
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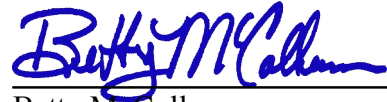
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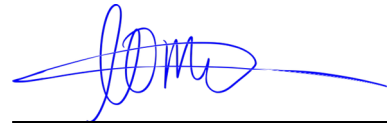
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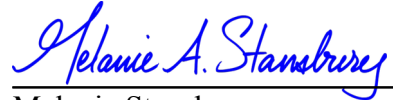
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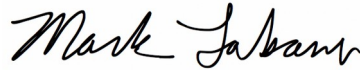
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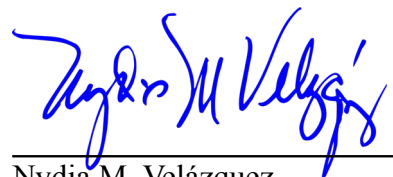
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