

# United States Senate

WASHINGTON, DC 20510

December 5, 2023

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

Dear President Biden:

Civilian harm prevention is a cornerstone of American foreign policy, and U.S. policy and international law requires that American weapons transferred to foreign governments, including Israel, are used in a manner consistent with protecting civilian lives. As weapons transfers to Israel accelerate, we seek information on the accountability and oversight measures that ensure any use of U.S. weapons is in accordance with U.S. policy and international law.<sup>1</sup>

We strongly condemn the Hamas terrorist attacks on October 7, 2023, which killed around 1,200 Israelis and foreign nationals.<sup>2</sup> Israel's military response has killed over 15,000 Palestinians in Gaza, the vast majority of whom are civilians.<sup>3</sup> U.S. allies and human rights groups have argued many of these deaths were preventable.<sup>4</sup> In its campaign, Israel has also repeatedly targeted areas it previously designated as "safe zones," after telling Palestinians to move to these locations for safety.<sup>5</sup> Israeli Defense Force airstrikes have also hit the densely populated Jabalya refugee camp multiple times.<sup>6</sup> The first strike killed "more than 100 people" and injured "hundreds" more.<sup>7</sup>

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<sup>1</sup> Wall Street Journal, "U.S. Plans \$320 Million Weapons Transfer to Israel as Gaza Toll Mounts," Jared Malsin, November 6, 2023, <https://www.wsj.com/world/middle-east/u-s-plans-320-million-weapons-transfer-to-israel-as-gaza-toll-mounts-7c50afd9>.

<sup>2</sup> New York Times, "What We Know About the Death Toll in Israel From the Hamas-Led Attacks," Aaron Boxerman, November 12, 2023, <https://www.nytimes.com/2023/11/12/world/middleeast/israel-death-toll-hamas-attack.html>.

<sup>3</sup> Reuters, "Civilians are 'center of gravity' in Gaza war: US defense secretary," Phil Stewart, December 3, 2023, <https://www.reuters.com/world/us/civilians-are-center-gravity-gaza-war-us-defense-secretary-2023-12-02/>.

<sup>4</sup> New York Times, "Under Scrutiny Over Gaza, Israel Points to Civilian Toll of U.S. Wars," Michael Crowley and Edward Wong, <https://www.nytimes.com/2023/11/07/us/politics/israel-gaza-war-death-toll-civilians.html>.

<sup>5</sup> PBS NewsHour, "As Israel's bombing hits declared 'safe zones', Palestinians trapped in Gaza find danger everywhere," Najib Jobain, Samya Kullab and Revi Nessman, October 19, 2023, <https://www.pbs.org/newshour/world/as-israels-bombing-hits-declared-safe-zones-palestinians-trapped-in-gaza-find-danger-everywhere>; Associated Press, "No place is safe in Gaza after Israel targets areas where civilians seek refuge, Palestinians say," Wafaa Shurafa and Samya Kullab, October 17, 2023, <https://apnews.com/article/israel-gaza-palestinian-civilians-safety-airstrikes-f38f27da1dd995acc14e6db1524761e7>.

<sup>6</sup> Washington Post, "What to know about Gaza refugee camps after Israeli strike on Jabalya," Annabelle Timsit and Leo Sands, November 3, 2023, <https://www.washingtonpost.com/world/2023/11/01/gaza-refugee-camps-jabalya-israel-strike/>; The Guardian, "Israeli airstrikes kill 80 in Palestinian refugee camp," Emma Graham-Harrison, November 18, 2023, <https://www.theguardian.com/world/2023/nov/18/israeli-airstrikes-kill-80-in-palestinian-refugee-camp>.

<sup>7</sup> *Id.*

The second strike left dozens wounded and rescuers said those killed included “whole families.”<sup>8</sup> Local health officials described Palestinians “using their bare hands... to retrieve bodies in the ruins.”<sup>9</sup> Other strikes and operations have targeted hospitals. A video released by the Gaza Health Ministry showed “bodies of limp children... some dead, some barely breathing,” patients “strewn around the floor, unable to be treated for lack of supplies,” and one man “gasping for air.”<sup>10</sup> One surgeon said bombings “had forced them to line up premature babies on ordinary beds, using the little power available to turn the air conditioning to warm.”<sup>11</sup> While these strikes were aimed at Hamas,<sup>12</sup> we have concerns that strikes on civilian infrastructure have not been proportional, particularly given the predictable harm to civilians. The United Nations Secretary-General António Guterres has said these strikes are “clear violations of international humanitarian law.”<sup>13</sup> Even Israeli Prime Minister Benjamin Netanyahu has admitted that his government’s efforts to minimize civilian casualties to date are “not successful.”<sup>14</sup>

### **Biden Administration Efforts on Civilian Protection**

The U.S. Department of Defense (DoD) and Department of State (DoS), under your leadership and that of Defense Secretary Austin and Secretary of State Blinken, have worked hard on improving civilian protections, endorsing international standards and establishing internal accountability measures within the U.S. military. Last year, DoD initiated its Civilian Harm Mitigation and Response Action Plan (CHMR-AP).<sup>15</sup> The CHMR-AP prevents and investigates civilian deaths by American forces, consistent with Secretary Austin’s statement that “the

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<sup>8</sup> CBS News, “ Hamas alleges second Israeli strike hit refugee camp,” November 1, 2023, <https://www.cbsnews.com/news/hamas-alleges-second-israeli-strike-hit-jabaliya-refugee-camp-hostages-among-dead/>.

<sup>9</sup> NBC News, “Desperate search for survivors after Gaza refugee camp is hit in Israeli airstrike,” Corkey Siemaszko, October 31, 2023, <https://www.nbcnews.com/news/world/desperate-search-survivors-gaza-refugee-camp-hit-israeli-airstrike-rcna123040>.

<sup>10</sup> PBS News Hour, “Palestinian evacuees say thousands of people sheltering at Shifa hospital have fled after strikes,” November 10, 2023, <https://www.pbs.org/newshour/world/palestinian-evacuees-say-thousands-of-people-sheltering-at-shifa-hospital-have-fled-after-strikes>.

<sup>11</sup> Reuters, “More Gaza hospitals suspend operations as Israel hunts Hamas,” Nidal Al-Mughrabi and Maayan Lubell, November 12, 2023, <https://www.reuters.com/world/middle-east/fighting-rages-israel-says-ready-evacuate-babies-gazas-main-hospital-2023-11-11/>.

<sup>12</sup> Reuters, “Israel strikes dense Gaza camp, says it kills Hamas commander,” Nidal Al Mughrabi and Emily Rose, October 31, 2023, [https://www.reuters.com/world/middle-east/hamas-says-it-fires-israeli-troops-pressing-gaza-ground-assault-2023-10-31/#:~:text=An%20Israel%20Defense%20Forces%20statement,camp%20blast%20and%20150%20wounded.](https://www.reuters.com/world/middle-east/hamas-says-it-fires-israeli-troops-pressing-gaza-ground-assault-2023-10-31/#:~:text=An%20Israel%20Defense%20Forces%20statement,camp%20blast%20and%20150%20wounded.;); Reuters, “ Hamas command centre, weapons found at Gaza hospital, Israeli military says,” Nidal Al-Mughrabi, November 15, 2023, <https://www.reuters.com/world/middle-east/israel-raids-gazas-al-shifa-hospital-2023-11-15/>.

<sup>13</sup> United Nations, “Secretary-General’s remarks to the Security Council - on the Middle East,” António Guterres, October 24, 2023, <https://www.un.org/sg/en/content/sg/speeches/2023-10-24/secretary-generals-remarks-the-security-council-the-middle-east%C2%A0>.

<sup>14</sup> Reuters, “Israel ‘not successful’ in bid to minimize Gaza civilian casualties, Netanyahu says,” Rami Ayyub, November 16, 2023, <https://www.reuters.com/world/middle-east/israel-not-successful-bid-minimize-gaza-civilian-casualties-netanyahu-says-2023-11-17/>.

<sup>15</sup> U.S. Department of Defense, “Civilian harm Mitigation and Response Action Plan (CHMR-AP),” memorandum, August 25, 2022, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>.

protection of civilians is a strategic priority as well as a moral imperative.”<sup>16</sup> An explicit objective of the CHMR-AP is also to address the risk of civilian harm in U.S. security cooperation relationships with foreign countries.<sup>17</sup> The United States also joined<sup>18</sup> more than 80 other countries<sup>19</sup> to endorse the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, which reiterated “prohibitions against indiscriminate and disproportionate attacks, and the obligation to take all feasible precautions in attack.”<sup>20</sup> In August, the Biden administration enacted a “first-of-its-kind” initiative to reduce civilian harm caused by U.S. military operations and stemming from U.S. arms exports.<sup>21</sup> The Civilian Harm Incident Response Guidance (CHIRG), led by the DoS, created a “formal system for monitoring and potentially penalizing reported abuses involving foreign forces and U.S.-origin arms”<sup>22</sup> to fill gaps in traditional “end-use monitoring” safeguards — including by evaluating how weapons are used by foreign partners. The administration also “issued a formal order” on conventional arms transfer policy that prohibited “weapons transfers to countries where it is ‘more likely than not’ that the weapons will be used... ‘intentionally... against civilian objects or civilians.’”<sup>23</sup> It remains unclear, however, how these different efforts are or will be applied to protect civilians in Gaza.

### **Concerns about Civilian Casualties in Gaza and Lack of Transparency on U.S. Provision of Weapons to Israel**

The risk of violating international law and our own standards increases as Israel uses explosive weapons in densely populated areas.<sup>24</sup> These weapons were transferred by the United States to Israel without conditions regarding their use.<sup>25</sup> These gaps in protections appear to be

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<sup>16</sup> U.S. Department of Defense, “Civilian harm Mitigation and Response Action Plan (CHMR-AP),” memorandum, August 25, 2022, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>.

<sup>17</sup> U.S. Department of Defense, “Civilian harm Mitigation and Response Action Plan (CHMR-AP),” August 25, 2022, p. 27, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>

<sup>18</sup> U.S. Department of State, “United States Endorses Political Declaration Relating to Protection of Civilians in Armed Conflict,” November 18, 2022, <https://www.state.gov/united-states-endorses-political-declaration-relating-to-protection-of-civilians-in-armed-conflict/>.

<sup>19</sup> United Nations Office for Disarmament Affairs, “Explosive weapons in populated areas,” <https://disarmament.unoda.org/convarms/explosive-weapons/>.

<sup>20</sup> “Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas,” <https://www.dfa.ie/media/dfa/ourrolepolicies/peaceandsecurity/ewipa/EWIPA-Political-Declaration-Final-Rev-25052022.pdf>.

<sup>21</sup> Washington Post, “Biden administration will track civilian deaths from U.S.-supplied arms,” Missy Ryan, September 13, 2023, <https://www.washingtonpost.com/national-security/2023/09/13/state-department-chirg-civilian-deaths/>.

<sup>22</sup> *Id.*

<sup>23</sup> Jacobin, “Joe Biden’s Arms Deal With Israel Violates His Own Administration’s Policy,” Freddy Brwster, November 11, 2023, <https://jacobin.com/2023/11/biden-administration-israel-gaza-military-aid-conventional-arms-transfer-policy>.

<sup>24</sup> Just Security, “Law and Policy Guide to US Arms Transfers to Israel,” John Chappell, Annie Shiel, Seth Binder, Elias Yousif, Bill Monahan, and Amanda Klasing, November 8, 2023, <https://www.justsecurity.org/90010/a-law-and-policy-guide-to-us-arms-transfers-to-israel/>.

inconsistent with U.S. international commitments to refrain from the use of explosive weapons in populated civilian areas.<sup>26</sup>

We also have concerns that there is insufficient transparency around weapons transfers to Israel. Congress is regularly notified about traditional government-to-government military sales, which allows for congressional oversight.<sup>27</sup> But Israel is one of a select few countries allowed to use Foreign Military Financing (FMF) from the United States to “buy U.S. weapons directly from U.S. arms manufacturers.”<sup>28</sup> This procurement method does not require public disclosure and the required classified notifications of these sales are provided to “only a handful of legislators” in the leadership of the Senate Foreign Relations Committee and the House Foreign Affairs Committee.<sup>29</sup> In its fiscal year (FY) 2024 emergency supplemental request, the administration further requested to waive congressional notification requirements,<sup>30</sup> which would place additional limits on congressional oversight, harming our ability to monitor and determine whether U.S. assistance is contributing to disproportionate civilian harm.

Independent human rights groups and the media have also been essential in identifying instances of civilian harm. We are concerned, however, by reports that these groups are being denied access to Gaza<sup>31</sup> and that journalists are being assaulted and arrested while conducting legitimate

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<sup>25</sup> Reuters, “No U.S. conditions on security assistance to Israel, Austin says,” Phil Steward and Idrees Ali, <https://www.reuters.com/world/no-us-conditions-security-assistance-israel-austin-says-2023-10-12/>; Associated Press, “Biden will head to Israel and Jordan as concerns mount that Israel-Hamas conflict will spread,” Matthew Lee, Aamer Madhani, and Colleen Long, <https://apnews.com/article/biden-israel-hamas-war-egypt-elsissi-a08b6e4f8fe5edeab4c97753d254f8b9>; See Stimson, “In Shadow of War, a Snapshot of US Military Assistance to Israel,” Elias Yousif and Rachel Stohl, October 13, 2023, <https://www.stimson.org/2023/in-shadow-of-war-a-snapshot-of-u-s-military-assistance-to-israel/>.

<sup>26</sup> U.S. Department of State, “United States Endorses Political Declaration Relating to Protection of Civilians in Armed Conflict,” press release, November 18, 2022, <https://www.state.gov/united-states-endorses-political-declaration-relating-to-protection-of-civilians-in-armed-conflict/>; International Network on Explosive Weapons, “Open letter to states that have endorsed the Political Declaration,” open letter, October 26, 2023, <https://www.inew.org/open-letter-to-states-that-have-endorsed-the-political-declaration-on-strengthening-the-protection-of-civilians-arising-from-the-use-of-explosive-weapons-in-populated-areas/>; Ireland Department of Foreign Affairs, “Explosive Weapons in Populated Areas Dublin Conference 2022,” political declaration, <https://www.dfa.ie/our-role-policies/international-priorities/peace-and-security/ewipa-consultations/>.

<sup>27</sup> In These Times, “White House Requests ‘Unprecedented’ Loophole That Would Obscure Arms Sales to Israel,” Janet Abou-Elias, Lillian Mauldin, Mekedas Belayneh, Rosie Khan, Liv Owens, and Women for Weapons Trade Transparency, November 2, 2023, <https://inthesetimes.com/article/white-house-request-waiver-arms-sales-gaza-israel>.

<sup>28</sup> Just Security, “Law and Policy Guide to US Arms Transfers to Israel,” John Chappell, Annie Shiel, Seth Binder, Elias Yousif, Bill Monahan, and Amanda Klasing, November 8, 2023, <https://www.justsecurity.org/90010/a-law-and-policy-guide-to-us-arms-transfers-to-israel/>.

<sup>29</sup> *Id.*

<sup>30</sup> Letter from Director of the Office of Management and Budget Shalanda D. Young to Speaker Pro Tempore Patrick McHenry, Vice President Kamala D. Harris, Senate Appropriations Committee Chair Patty Murray, Senator Appropriations Committee Vice Chair Susan Collins, House Appropriations Committee Chair Kay Granger, and House Appropriations Committee Ranking Member Rosa L. DeLauro, October 20, 2023, pp. 43-44, <https://www.whitehouse.gov/wp-content/uploads/2023/10/Letter-regarding-critical-national-security-funding-needs-for-FY-2024.pdf>.

<sup>31</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza,” October 20, 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/#:~:text=Amnesty%20International%20investigated%20five%20Israeli,to>

newsgathering activities.<sup>32</sup> Such limits and attacks on the press further compromise transparency surrounding the end use of weapons transferred by the United States to Israel. We urge you to emphasize to the Israeli government the importance of the free press to hold all governments accountable.

Israel's past bombing campaigns in Gaza have made use of 155 mm artillery shells.<sup>33</sup> The 155mm shells are “unguided, explosive weapons”<sup>34</sup> with a “casualty radius of between 100-300 meters.”<sup>35</sup> Israel Defense Forces’ (IDF) policy allows for the firing of these shells at targets just 100 meters away from civilian areas,<sup>36</sup> even though the IDF requires its ground forces to stay 250 meters away to protect its own forces. The IDF has previously used these shells to “hit populated areas including neighborhoods, hospitals, schools, shelters, and safe zones,” causing a staggering number of civilian deaths.<sup>37</sup> Over 30 U.S.-based civil society organizations warned against providing Israel 155mm shells in an open letter to Secretary Austin calling the shells “inherently indiscriminate” and “a grave risk to civilians.”<sup>38</sup>

### **The Need for U.S. Leadership to Protect Civilians in Gaza**

Your administration, in October 2023, requested that Congress approve a \$105 billion security aid package, including \$14 billion in military aid to Israel.<sup>39</sup> But according to press reports, DoD has only sent a single Marine Corps General to aid Israel’s war planning and advise the country on how to mitigate civilian casualties.<sup>40</sup> The DoD as a whole has yet to define safeguards or issue a statement on how Israel should use U.S. weapons.<sup>41</sup>

We have previously raised concerns that the United States is failing to make sure our weapons do not contribute to civilian harm. In September 2022, Senator Warren, Senator Sanders and others called on DoS and DoD to thoroughly investigate how U.S. military support for the Saudi-led coalition may have contributed to civilian harm in Yemen,<sup>42</sup> and raising concerns that gaps in the DoS and DoD’s end-use monitoring programs have undermined efforts to prevent and track how

[%20gain%20access%20to%20Gaza..](#)

<sup>32</sup> NPR, “Why it’s so hard for journalists to report from Gaza,” Scott Simon, November 11, 2023, <https://www.npr.org/2023/11/11/1212467226/why-its-so-hard-for-journalists-to-report-from-gaza>.

<sup>33</sup> Oxfam, “Artillery Shells Transfer,” policy brief, October 2023, p. 2, [https://webassets.oxfamamerica.org/media/documents/Artillery\\_Shells\\_Transfer\\_Policy\\_BriefingNote\\_1.pdf](https://webassets.oxfamamerica.org/media/documents/Artillery_Shells_Transfer_Policy_BriefingNote_1.pdf)

<sup>34</sup> *Id.*, pp. 2, 3.

<sup>35</sup> *Id.*, p. 3.

<sup>36</sup> *Id.*, p. 3.

<sup>37</sup> *Id.*, p. 3.

<sup>38</sup> Washington Post, “Pentagon urged to halt plans for giving Israel artillery supplies,” Missy Ryan, November 14, 2023, <https://www.washingtonpost.com/national-security/2023/11/13/israel-us-155mm-artillery/>; reliefweb, “Joint open letter on transfer of 155mm artillery shells to Israel,” November 13, 2023, <https://reliefweb.int/report/occupied-palestinian-territory/joint-open-letter-transfer-155mm-artillery-shells-israel>.

<sup>39</sup> New York Times, “Biden Requests \$105 Billion Aid Package for Israel, Ukraine and Other Crises,” Michael Shear and Karoun Demirjian, October 20, 2023, <https://www.nytimes.com/2023/10/20/us/politics/biden-aid-israel-ukraine-taiwan-border.html>.

<sup>40</sup> Associated Press, “Pentagon rushes defenses and advisers to Middle East as Israel’s ground assault in Gaza looms,” Tara Copp and Aamer Madhani, October 23, 2023, <https://apnews.com/article/israel-military-iran-navy-gaza-1a906598be5bacc614897768b1824a8>.

<sup>41</sup> *Id.*

U.S.-origin weapons have contributed to civilian harm.<sup>43</sup> Last month, Senator Warren and others wrote seeking answers on Israel’s strategy to defeat Hamas and protect civilians in Gaza to ensure Israel’s actions aligned with U.S. standards.<sup>44</sup>

We applaud DoS and DoD for their commitment to address civilian harm through its new CHIRG and CHMR-AP.<sup>45</sup> Israel is a U.S. partner, and we must ensure accountability for the use of U.S. weapons we provided to our ally. As you have acknowledged, Israel’s military campaign has included “indiscriminate bombing.”<sup>46</sup> Your administration must ensure that existing guidance and standards are being used to evaluate the reports of Israel using U.S. weapons in attacks that harm civilians in order to more rigorously protect civilian safety during Israel’s operations in Gaza.

### Questions

Secretaries Austin and Blinken have both indicated that the protection of civilians is both a moral necessity and a strategic imperative.<sup>47</sup> Mitigating and responding to civilian harm would “positively influence regional security and stability,” ultimately making the populations in both Gaza and Israel safer.<sup>48</sup> To address these concerns about civilian harm in this conflict, we request that you provide our staff a briefing by December 13, 2023, and answers to each of the following questions by December 20, 2023, in classified form where necessary and unclassified form where not:

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<sup>42</sup> Letters from Senators Elizabeth Warren, Bernie Sanders, and Mike Lee to Secretary of Defense Lloyd Austin and Secretary of State Antony Blinken, September 7, 2023, <https://www.warren.senate.gov/newsroom/press-releases/warren-sanders-lee-lead-bipartisan-call-for-dod-and-state-department-to-investigate-possible-us-complicity-in-civilian-harm-in-yemen>.

<sup>43</sup> Letters from Senators Elizabeth Warren, Bernie Sanders, and Mike Lee to Secretary of Defense Lloyd Austin and Secretary of State Antony Blinken, May 14, 2023, <https://www.warren.senate.gov/imo/media/doc/Letter%20to%20DoD%20and%20DoS%20on%20Weapons%20Use%20Monitoring%20and%20Civilian%20Harm.pdf>.

<sup>44</sup> Office of Senator Elizabeth Warren, “Warren Joins Van Hollen, Murphy, Schatz, Reed, Majority of Democratic Caucus Ask Biden Administration for More Information on Strategy to Defeat Hamas, Protect Civilians in Gaza,” November 8, 2023, <https://www.warren.senate.gov/oversight/letters/warren-joins-van-hollen-murphy-schatz-reed-majority-of-democratic-caucus-ask-biden-administration-for-more-information-on-strategy-to-defeat-hamas-protect-civilians-in-gaza>.

<sup>45</sup> Washington Post, “Biden administration will track civilian deaths from U.S.-supplied arms,” Missy Ryan, September 13, 2023, <https://www.washingtonpost.com/national-security/2023/09/13/state-department-chirg-civilian-deaths/>.


<sup>46</sup> The White House, “Remarks by President Biden in a Press Conference, Woodside, CA,” November 16, 2023, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/11/16/remarks-by-president-biden-in-a-press-conference-woodside-ca/>.


<sup>47</sup> U.S. Department of Defense, “Civilian harm Mitigation and Response Action Plan (CHMR-AP),” memorandum, August 25, 2022, <https://media.defense.gov/2022/Aug/25/2003064740/-1/-1/1/CIVILIAN-HARM-MITIGATION-AND-RESPONSE-ACTION-PLAN.PDF>; See U.S. Department of State, “United States Endorses Political Declaration Relating to Protection of Civilians in Armed Conflict,” press release, November 18, 2022, <https://www.state.gov/united-states-endorses-political-declaration-relating-to-protection-of-civilians-in-armed-conflict/>.


<sup>48</sup> CNA, “Protecting Civilians in Gaza Requires Not Just a Will, But a Way,” Larry Lewis, October 27, 2023, <https://www.cna.org/our-media/indepth/2023/10/protecting-civilians-in-gaza>.

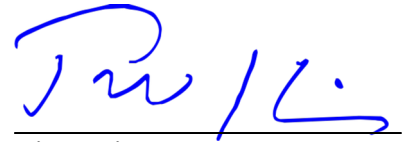
1. Are U.S. officials aware of the IDF's current policy on preventing civilian harm? If so, how, if at all, does this policy differ meaningfully from U.S. policy, and in what specific areas? Is the IDF's current policy of preventing civilian harm consistent with international law?
2. What insights does the U.S. government have into how the Israeli military assesses issues of proportionality?
3. Does the Israeli government have a system for reporting allegations of civilian harm? Are U.S. officials made aware of these reports?
4. What systems does the Israeli government have in place to investigate allegations of civilian harm? Are U.S. officials informed of the results of these investigations?
5. What training or information has the U.S. government provided to the IDF or to other Israeli officials on preventing civilian harm?
6. How are DoS and DoD using CHIRG and CHMR-AP to prevent civilian harm by Israel?
7. Does DoS or DoD plan to provide any additional advisors trained on civilian harm prevention to Israel?
  - a. If so, when will those advisors be sent and who will those advisors be?
8. Does DoD or DoS plan to provide Israel with guidance on how 155mm shells should be used when civilians are nearby?
  - a. If so, please describe the guidance you will provide.
9. Has DoD, DoS, or any other part of the federal government received assurances that the 155mm shells will be used in accordance with international law?
10. Please list all types of munition being provided to Israel, and their blast radius.
11. Are you aware of any requests for inspector general reviews or audits of U.S. military assistance provided to Israel?
12. Is there any policy of DoD, DoS, or another part of the federal government that would restrict inspector general or congressional investigations of U.S. military assistance provided to Israel?
13. What other actions are DoS and DoD taking to ensure Israel is using appropriate measures to prevent civilian harm in Gaza when using weapons received through the U.S. or with U.S. assistance?


Sincerely,

  
Elizabeth Warren  
United States Senator

  
Jeffrey A. Merkley  
United States Senator

  
Bernard Sanders  
United States Senator

  
Tim Kaine  
United States Senator

  
Martin Heinrich  
United States Senator

CC:

The Honorable Lloyd J. Austin III, Secretary of Defense, U.S. Department of Defense  
The Honorable Antony J. Blinken, Secretary of State, U.S. Department of State