

Section 620I of the Foreign Assistance Act

The Israeli military campaign in Gaza, supported by the United States, has caused an acute humanitarian crisis. Multilateral organizations, humanitarian aid providers, and researchers have [documented](#) numerous instances in which the Israeli government has restricted the delivery of humanitarian aid. In light of these findings, attention has turned to Section 620I (“eye”) of the Foreign Assistance Act (22 U.S.C. § 2378-1), a longstanding, universally applicable provision of law that effectively requires recipients of US security assistance to allow the delivery of US humanitarian assistance.

About Section 620I

Section 620I is a law that prohibits the United States from providing security assistance or arms sales to any country when the President is made aware that the country’s government “prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.” Restrictions on US taxpayer-funded humanitarian assistance trigger the prohibition in Section 620I. The United States [provides](#) billions of dollars for humanitarian aid each year, including through non-governmental and multilateral partners such as the United Nations, and it is “the largest single provider of humanitarian assistance worldwide.”

Section 620I includes a waiver mechanism stipulating that the United States can provide security assistance despite the prohibition if the President finds that doing so is in the national security interest of the United States. However, prior to using the waiver, the President must notify the congressional appropriations and foreign affairs committees of their “intention to make such a determination, the effective date of the determination, and the reasons for making the determination.”

Legislative History

The precursor to Section 620I was the Humanitarian Aid Corridor Act. Introduced by Rep. Richard Lehman (D-CA) in 1994, the bipartisan bill [brought](#) on 105 cosponsors. The bill [sought](#) to “promote the delivery of humanitarian assistance to people in need in a manner that is both timely and cost effective.” Legislators were particularly concerned about Turkey’s blockade of Armenia, which restricted the delivery of US humanitarian aid. The following year, Senator Bob Dole (R-KS) [introduced](#) a Senate companion that quickly garnered 17 bipartisan cosponsors.

In 1996, Senator Dole introduced a modified version of the Humanitarian Aid Corridor Act as an amendment applicable to funds allocated in the annual State Department appropriations act. During debate, Senator Dole [made](#) clear that he intended the restriction to apply to countries that “[prevent] delivery of assistance paid for by the American taxpayers or... circumvent delivery... impede delivery, or increase the cost of delivery.” The Dole Amendment [garnered](#) broad, bipartisan support and was easily adopted. The following year, Congress [made](#) the restriction permanent by enacting Section 620I of the Foreign Assistance Act. In 2008, Congress [required](#) that the President report to Congress in case of a waiver of the provision.

In 2023, Senator Christopher Van Hollen (D-MD) released an amendment to the national security supplemental appropriations bill requiring that all recipients of US security assistance commit to comply with Section 620I and mandating periodic reporting on violations of Section 620I. Senator Van Hollen negotiated with the Biden administration to transform his amendment into [National Security Memorandum 20](#), released on February 8, 2024.

Origins: Application to Armenia

Section 620I [originated](#) in concerns about the Turkish government restricting the delivery of US humanitarian aid to Armenia [starting](#) in 1993 during the First Nagorno-Karabakh war between Armenia and Azerbaijan. Turkey, which backed Azerbaijan, [blocked](#) humanitarian aid from crossing its eastern border into Armenia. Civilians suffered from chronic shortages of food and fuel. Turkey [received](#) significant US arms transfers even as it blocked US humanitarian assistance to Armenia and used US weapons in violations of international law within Turkey. In 1997, President Bill Clinton acknowledged that the Turkish government has restricted the delivery of US humanitarian aid, triggering Section 620I. However, he [invoked](#) Section 620I's waiver authority to continue providing security assistance to Turkey. In his presidential determination issued in connection to the waiver, President Clinton [acknowledged](#) that some aid had reached Armenia, indicating that partial restrictions on humanitarian aid are sufficient to trigger Section 620I. Since then, no President has found that any country has blocked US humanitarian assistance for the purpose of implementing Section 620I, and the State Department has not systematically assessed whether Section 620I's prohibition has been triggered.

Yemen and the 620I Debate

Legislators called attention to Section 620I during the Saudi-led coalition's military campaign in Yemen. The United States provided weapons to the Saudi government even as it committed apparent war crimes, killed civilians, and imposed a de facto blockade that contributed to one of the world's biggest humanitarian crises. In 2017, Senator Todd Young (R-IN) [pressed](#) the Saudi government to facilitate humanitarian access in line with Section 620I in a series of letters to the State Department. He then [stalled](#) the confirmation of the Trump administration's nominee for State Department legal adviser, Jennifer Newstead, until she replied to his inquiries on the implementation of Section 620I in the context of the war in Yemen to his satisfaction. Newstead [acknowledged](#) in correspondence with Senator Young that Section 620I "does not include a requirement that 'all' humanitarian assistance be directly or indirectly restricted." In 2019, Senator Jeff Merkley (D-OR) introduced a resolution mandating a report on Saudi Arabia's human rights practices under Section 502B of the Foreign Assistance Act. The resolution also referenced Section 620I.

Section 620I and the Humanitarian Crisis in Gaza

During the current Israeli campaign in Gaza, legislators and experts have repeatedly raised concerns that continued US assistance to Israel violates Section 620I. Bombardment has [destroyed](#) much of Gaza's agricultural and fishing capacity, and civilians in Gaza [face](#) an acute risk of famine. The government of Israel [has](#) consistently and arbitrarily impeded US-funded humanitarian assistance programs in Gaza, including by closing routes through which assistance may be provided, refusing permission for the movement of humanitarian assistance within Gaza, failing to observe its own deconfliction guarantees, and prohibiting the entry of essential

humanitarian items based on a constantly changing and overly broad list of “dual-use” items. For example:

- On October 9, Israeli Defense Minister Yoav Gallant announced a “complete siege” on Gaza: “I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed.” For the next eleven days, Israel closed off all crossings between Israel and Gaza, and repeatedly bombed the Rafah Crossing between Egypt and Gaza, rendering it inoperable.
- By late October – after the “total siege” ended – Oxfam found that Israeli obstruction of humanitarian aid resulted in just two percent of pre-war levels of food reaching people in Gaza. The United States funded a significant portion of obstructed aid.
- Between January 1 and February 15, Israel blocked over half of all previously approved humanitarian convoys traveling to northern Gaza, where the threat of starvation is most acute. Throughout January, the Israeli government did not facilitate any of the 22 United Nations requests for early access to areas north of Wadi Gaza.
- Israeli Finance Minister Bezalel Smotrich announced that he was blocking an aid shipment containing food for roughly one million people from entering Gaza, stating that the shipment will not proceed while the recipient is UNRWA. Israel has obstructed the delivery of this American-funded food aid for over two months.



Damaged water tower, Gaza. Robin Lloyd/ECHO

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Oxfam is a global organization that fights inequality to end poverty and injustice. We offer lifesaving support in times of crisis and advocate for economic justice, gender equality, and climate action. We demand equal rights and equal treatment so that everyone can thrive, not just survive.

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