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Assisting and Evacuating U.S. Citizens Abroad During the Israel-Hamas Conflict and Other International Crises

The U.S. Department of State (DOS; the Department) has long provided consular services to American citizens around the world pursuant to laws passed by Congress. Such services include disseminating information regarding any major disaster or incident abroad affecting the safety of U.S. citizens and, when their lives are endangered by such crises, facilitating their safe and efficient evacuation. The ongoing war between Israel and Hamas has required DOS to scale up consular assistance to U.S. citizens in Israel, the West Bank, and Gaza. Members of Congress have conducted oversight of DOS's consular response and in some cases called on the Department to consider providing additional services to facilitate the departure of U.S. citizens, including U.S. government charter flights and military resources. Some Members have also considered legislation to adjust or eliminate the statutory requirement that private U.S. citizens evacuated by DOS reimburse the Department for a portion of the expenses associated with their evacuation.

Travel Information and the STEP Program

Section 43 of the State Department Basic Authorities Act of 1956 (P.L. 84-885; 22 U.S.C. §2715, hereafter, the BAA) requires DOS to serve as a clearinghouse of information on any major disaster or incident overseas affecting the health and safety of U.S. citizens. DOS carries out this responsibility through the Consular Information Program (CIP), which includes a range of products intended to inform U.S. citizens worldwide of potential threats to their health or safety and the availability of consular services (see **Table 1**).

DOS disseminates CIP products through several means, including the Bureau of Consular Affairs' website for U.S. citizens traveling abroad (<http://travel.state.gov>) and the Smart Traveler Enrollment Program (STEP). STEP is a digital service through which U.S. citizens traveling or living abroad can provide their contact information to receive CIP products applicable to any countries they select. STEP also helps overseas posts locate U.S. citizens in an emergency. CIP products are further disseminated through the websites of relevant overseas posts, DOS's social media accounts, and systems of predesignated U.S. citizen volunteers, or "wardens," who pass information to other U.S. citizens. DOS has issued several CIP products in response to the war between Israel and Hamas and increased tensions throughout the Middle East. For example, shortly following Hamas's initial attacks on October 7, 2023, DOS issued a Security Alert stating that U.S. citizens in Israel, the West Bank, and Gaza were "reminded to remain vigilant and take appropriate steps to increase their security awareness as security incidents,

including mortar and rocket fire, often take place without warning." As of October 30, DOS has issued at least 10 additional Security Alerts, along with numerous other CIP products. DOS has also updated its Worldwide Caution product, which advises U.S. citizens overseas to "exercise increased caution" amid the potential for violent actions against U.S. citizens and interests. Further, DOS updated its Travel Advisories for Israel, the West Bank, and Gaza, along with those for Lebanon and Iraq, to reflect increased security risks.

Table 1. Selected Consular Information Program (CIP) Products

Product	Description
Worldwide Caution	DOS's Worldwide Caution, published on travel.state.gov, is periodically updated to provide U.S. citizens information on universal travel risks, as well as recommendations on how to prepare for possible contingencies.
Travel Advisory	Travel Advisories are issued for every country and include guidance regarding country-specific security concerns. Each Travel Advisory is designated at an overall Level ranging from Level 1 (Exercise Normal Precautions) to Level 4 (Do Not Travel).
Alerts (including Security Alerts)	Overseas posts create alerts to notify U.S. citizens within their jurisdiction of relevant safety and security information, often in response to significant events. Depending on the nature of the risk outlined in the Alert, DOS may label it a Security Alert, Demonstration Alert, Weather Alert, or Health Alert.

Source: U.S Department of State Foreign Affairs Manual.

Overseas Evacuations

Section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399; 22 U.S.C. §4802) requires DOS to "develop and implement policies and programs to provide for the safe and efficient evacuation of ... private United States citizens when their lives are endangered." In addition, Section 4 of the BAA (22 U.S.C. §2671) authorizes expenditures for the evacuation of "private United States citizens or third-country nationals, on a reimbursable basis to the maximum extent practicable." Private U.S. citizens are thus generally responsible for a portion of the cost for their evacuation. The BAA limits the scope of repayment to "a reasonable commercial air fare immediately prior to the events giving rise to the evacuation."

In practice, when DOS recommends that private U.S. citizens leave a country, it advises them to evacuate using existing commercial transportation options whenever possible. This policy initially was reflected in a statement President Biden provided on October 9, 2023, amid the outbreak of hostilities between Israel and Hamas, which said in part that, “[f]or those [U.S. citizens] who desire to leave, commercial flights and ground options are still available.” When local transportation infrastructure is compromised or unavailable for use, DOS may arrange chartered or noncommercial transportation for U.S. citizens to evacuate to a safe location.

During the initial days of the conflict, some Members of Congress expressed concern that DOS was not offering sufficient travel assistance to U.S. citizens amid the limited availability of commercial options. On October 12, DOS announced that it would begin arranging charter flights. DOS has reported that recent charter flights have departed Israel at half capacity or less and plans to offer a final charter flight on October 31. The Department has also evacuated U.S. citizens by ferrying them to Cyprus. U.S. officials are continuing work on potential means for U.S. citizens to depart Gaza. DOS advised that U.S. citizens in Gaza “may wish to move closer to the Rafah border crossing [into Egypt]—there may be very little notice if the crossing opens, and it may only open for a limited time.”

Funding

DOS’s Bureau of Consular Affairs (CA), which administers the CIP program and facilitates overseas evacuations, is funded through the Consular and Border Security Programs (CBSP) account. Congress does not fund this account through annual appropriations. Instead, Congress authorizes CA to collect and deposit several consular fees (fees charged for consular services, including the adjudication of U.S. passport and visa applications) into CBSP, which CA expends for consular services and other programs.

Congress separately funds DOS’s overseas evacuation flights through the Emergencies in the Diplomatic and Consular Service (EDCS) account, also known as the “K Fund.” In addition to overseas evacuations, the EDCS account is used to fund other priorities, including expenses for DOS’s Rewards for Justice Program, which contributes to efforts to locate and sideline international terrorists. DOS is able to further fund emergency evacuations using transfer authorities provided by Congress. For example, Congress in recent DOS appropriations laws has authorized DOS to transfer and merge funds appropriated to the Diplomatic Programs; Embassy Security, Construction, and Maintenance; and EDCS accounts for evacuations.

Issues Facing Congress

In the initial days of the conflict between Israel and Hamas, some Members of Congress called on DOS to directly provide means of evacuation for U.S. citizens. While the Department has done so for U.S. citizens present in Israel, U.S. citizens in Gaza have criticized what they perceive as the Department’s failure to ensure their safe evacuation. Additionally, some U.S. citizens in Israel have expressed concern with what they characterize as untimely or insufficient DOS guidance, while some Members of

Congress have considered drafting legislation to amend or eliminate BAA provisions requiring evacuated citizens to repay some of the costs associated with their evacuation. These and other issues are detailed as follows.

Status of U.S. Citizens in Gaza. DOS CIP products have long warned U.S. citizens against traveling to Gaza. DOS remains engaged with Israel, Egypt, and the United Nations to broker an agreement for the safe passage of U.S. citizens from Gaza. Secretary of State Antony Blinken has blamed Hamas for “blocking” U.S. citizens from leaving. Some Palestinian-Americans in Gaza refuted this claim. The absence of means for U.S. citizens to depart Gaza has drawn concern from stakeholders. On October 13, two Arab American advocacy organizations filed a lawsuit against the U.S. government in an effort to compel action. As the conflict continues, Congress may decide whether or not to accelerate calls for DOS to facilitate the passage of U.S. citizens from Gaza.

Timeliness and Extent of U.S. Consular Support to U.S. Citizens in Israel. Some observers have noted concern with the timeliness and extent of DOS support to U.S. citizens in Israel, stating that other countries evacuated their citizens before the United States. Others note that given overwhelming demand, private charter companies stepped in to evacuate U.S. citizens. Members of Congress may seek to conduct outreach to constituents who experienced difficulties evacuating from Israel to gather details to inform oversight efforts and potential future legislation.

Statutory Reimbursement Requirement. Some Members of Congress are considering legislation to amend or strike from law the BAA requirement obligating U.S. citizens to repay a share of their evacuation costs. While no legislation has been introduced in the 118th Congress to date, a 117th Congress bill (H.R. 8807) sought to strike this requirement from law. Additionally, H.R. 5102 and H.R. 6754 sought to waive the repayment requirement with respect to evacuations from Afghanistan and Ukraine, respectively.

Evacuation Planning and Funding Availability. While the number of U.S. citizens who recently departed Israel is reportedly in the low thousands, estimates suggest that as many as 600,000 U.S. citizens were present in Israel and 500-600 in Gaza prior to the current conflict. DOS has expressed concern regarding the security of U.S. citizens and U.S. interests across the Middle East, and the Biden Administration has reportedly planned for a scenario wherein hundreds of thousands of U.S. citizens require evacuation from the region. In this context, Congress may confer with DOS and the Administration more broadly regarding the details of its planning and funding availability to facilitate evacuations. Congress may also consider whether or not to increase funding for the EDCS account, including in a potential future supplemental appropriations measure, or provide additional transfer authorities to DOS.

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