

Israel and Hamas Conflict In Brief: Overview, U.S. Policy, and Options for Congress

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SUMMARY

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On October 7, 2023, the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) led surprise attacks against Israel from the Gaza Strip. More than 1,200 Israelis and foreign nationals (including at least 35 U.S. citizens in Israel) were killed. Hamas and other groups also seized 253 hostages on October 7. Iran reportedly provides material support to Hamas, and according to U.S. officials may be complicit in a broad sense, but President Joe Biden said in October "there is no evidence" that Iran helped plan the attack. The ongoing conflict could affect and be affected by Israel-Iran conflict elsewhere (see, for example, CRS Insight IN12347, *Escalation of the Israel-Iran Conflict*, coordinated by Jeremy M. Sharp).

In response to the October 7 attacks, Israel declared war on Hamas and launched aerial bombardment and ground operations in Gaza. As of April 15, 2024, more than 33,000 Palestinians in Gaza have been killed, according to the Hamas-controlled Gaza health ministry. Israel publicly seeks the elimination of Hamas's military and governing capabilities and the release of all hostages; Hamas's tunnels have made these tasks more challenging. The Israeli military has reportedly cleared some key areas in Gaza of visible Hamas control, withdrawn tens of thousands of troops, and apparently shifted toward lower-intensity warfare. Israel has said it will conduct a ground campaign in Gaza's southernmost city of Rafah to corner Hamas's intact fighting units. Israeli leaders are reportedly debating how to balance declared national objectives regarding Hamas and hostage recovery, and also international concerns about the welfare of the over one million civilians in Rafah—most of whom earlier fled other conflict areas.

The conflict's impact in Gaza, with an estimated 1.7 million Gazans displaced (out of a population of approximately 2.1 million people) has generated a humanitarian crisis. Some food and other essential supplies have entered Gaza via Egypt and Israel during the conflict, but significant delays and other obstacles to transporting aid through crossings and Israeli checkpoints and then safely delivering it—particularly in northern Gaza—contributed to a March warning from the Integrated Food Security Phase Classification that "famine is imminent." The United States and other countries began in March to provide additional humanitarian assistance to Gaza via airdrops and a planned maritime corridor. President Biden has ordered the U.S. military to construct a temporary port just offshore from Gaza to facilitate commercial shipments of assistance, with a goal to begin humanitarian assistance deliveries from the port by sometime in May.

The Biden Administration has provided broad political and material support for Israel's defense and its stated goals to end Hamas's rule in Gaza and recover hostages, but has sharpened its public criticism of Israeli actions. After an April 1 IDF drone strike killed seven relief workers in Gaza, President Biden stated that "strikes on humanitarian workers and the overall humanitarian situation are unacceptable." He added that U.S. policy "will be determined by our assessment of Israel's immediate action" to address "civilian harm, humanitarian suffering, and the safety of aid workers." The Administration also has pressed Israel not to proceed with major military operations in Rafah without clearly planning for civilian safety and welfare. Negotiations involving the United States, Egypt, and Qatar have sought to resolve sticking points between Israel and Hamas on a potential multi-week cease-fire and hostage-prisoner exchange deal. In November, Israel and Hamas agreed to a multi-day pause in fighting featuring hostage-prisoner exchanges. Around 129 hostages reportedly remain in Gaza, including some Americans (with at least 34 hostages presumed dead; some reports indicate that number may be higher).

Officials from the United States, Israel, and the West Bank-based Palestinian Authority (PA) have differed publicly on some proposed aspects of post-conflict security and governance for Gaza. U.S. officials have expressed support for a resumption of PA rule in Gaza after the PA undertakes certain reforms, as part of efforts to move toward a two-state solution; PA and other Arab leaders insist on progress toward a Palestinian state at some point during such a transition. Israeli Prime Minister Benjamin Netanyahu has insisted that Israel have full security control of "all territory west of the Jordan River."

In an October 2023 supplemental budget request, President Biden asked Congress to appropriate more than \$14 billion in Israel-related funding, and more than \$9 billion in global humanitarian assistance, with the Administration saying in February that it expected \$1.4 billion of this funding to be provided for Gaza. Members of Congress have expressed differing views on the request and its various elements, and debate has increased in intensity over what level of oversight or conditionality (if any) to place on security assistance to Israel and humanitarian assistance to Gaza. The House and Senate have each passed bills and continue to deliberate on the way forward.

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Overview: Conflict and Humanitarian Situation

On October 7, 2023, the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) led a series of surprise attacks from the Gaza Strip against Israel (see **Figure 1**). Palestine Islamic Jihad (or PIJ, another FTO) claimed that its forces also participated in the attacks, and other militants may also have joined. The assault targeted Israeli military bases and civilian areas during a Jewish high holiday. The nature and extent of the violence stunned Israelis and many others, and includes allegations of sexual violence.²

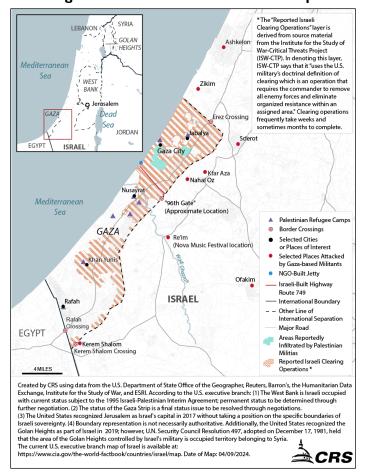


Figure I. Israel and Gaza: Conflict Map

The apparent intelligence and operational failures in preventing the assault or limiting its impact became a subject of debate in Israel and elsewhere. Some analysts said that Israel may have missed signals, over-relied on technological solutions, and/or misread Hamas's intentions.³

¹ For historical context on the broader Israeli-Palestinian conflict and factors contributing to the current round of violence, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti, and CRS Report R44245, *Israel: Major Issues and U.S. Relations*, by Jim Zanotti.

² UN News, "Clear and convincing information' that hostages held in Gaza subjected to sexual violence, says UN Special Representative," March 4, 2024.

³ Ronen Bergman and Adam Goldman, "Israel Knew Hamas's Attack Plan More Than a Year Ago," *New York Times*, November 30, 2023; Center for Strategic and International Studies, "Experts React: Assessing the Israeli Intelligence and Potential Policy Failure," October 25, 2023.

Whether or not Iran had a role in the attack remains a question. Iran reportedly provides material support to Hamas, and according to U.S. officials may have been complicit in a broad sense, but President Joe Biden said in October "there is no evidence" that Iran helped plan the attack.⁴ Since October 7, Iran and Iran-backed groups elsewhere in the region have exchanged fire at times with Israeli and U.S. forces.⁵ In mid-April, Iranian drone and missile attacks directly targeted Israel for the first time, in retaliation for a reported Israeli strike on Iranian targets in Syria (in a building within the Iranian embassy compound).⁶ Observers are debating whether and how the six-month Israel-Hamas war and potential regional escalation might affect each other.

In response to the attacks, Israel's cabinet declared war on Hamas, and Prime Minister Benjamin Netanyahu formed an emergency unity government and "war management cabinet" with key opposition figure Benny Gantz (a former defense minister and military commander) and Defense Minister Yoav Gallant. Israel's military mobilized hundreds of thousands of troops, has bombarded targets in Gaza from the air, and has undertaken ground operations as well. Reportedly, over 60% of Gaza's housing units have been destroyed or damaged. At various points in the conflict, Hamas and other Gaza-based militants have fired rockets toward populated areas in Israel. Israel initially halted supplies from Israeli territory to Gaza of electricity, food, and fuel. Since then, Israel—via consultations with U.S. and U.N. officials—has regulated the transit of some international aid from its territory into Gaza, with Egypt also facilitating some aid shipments via its territory and subjecting them to Israeli scrutiny (see text box below).

Humanitarian Crisis in Gaza

The humanitarian impact of conflict in Gaza on Palestinian civilians has been dire, with about 1.7 million of Gaza's 2.1 million residents displaced and most facing unsanitary, overcrowded conditions alongside acute shortages of food, water, medical care, and other essential supplies and services.⁸ Delays and other obstacles to transporting aid through crossings and Israeli checkpoints and then safely delivering it—particularly in northern Gaza—have contributed to high levels of food insecurity.⁹ Questions remain regarding how humanitarian assistance can be delivered safely within areas of Gaza facing active conflict and/or lacking law and order—particularly in the north.¹⁰ In April 10 testimony before the House Foreign Affairs Committee, U.S. Agency for International Development (USAID) Administrator Samantha Power said "there are still really profound access issues." Gaza-based police largely stopped escorting convoys in February after multiple fatal attacks by Israeli forces against some of the

⁴ Scott Pelley, "President Joe Biden: The 2023 60 Minutes interview transcript," CBS News, October 15, 2023; White House, "Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan," October 10, 2023. For more information on Hamas, its possible reasons for the attacks, and Iranian material support for Hamas, see CRS In Focus IF12549, *Hamas: Background, Current Status, and U.S. Policy*, by Jim Zanotti.

⁵ CRS In Focus IF12587, *Iran-Supported Groups in the Middle East and U.S. Policy*, by Clayton Thomas; CRS Insight IN12301, *Houthi Attacks in the Red Sea: Issues for Congress*, by Christopher M. Blanchard; CRS Insight IN12309, *Iraq: Attacks and U.S. Strikes Reopen Discussion of U.S. Military Presence*, by Christopher M. Blanchard.

⁶ CRS Insight IN12347, Escalation of the Israel-Iran Conflict, coordinated by Jeremy M. Sharp.

⁷ U.N. Office for the Coordination of Humanitarian Affairs (UN-OCHA), "Hostilities in the Gaza Strip and Israel reported impact | Day 192," April 15, 2024. Palestinian housing damage figures come from the Hamas-controlled government media office in Gaza.

⁸ UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #153," April 15, 2024; "Hostilities in the Gaza Strip and Israel - reported impact | Day 192," April 15, 2024.

⁹ Various perspectives on the actions of Israel and humanitarian organizations are available at Fares Akram and Ethan Bronner, "Gazans go hungry as Hamas, Israel and clans battle for control," Bloomberg, April 1, 2024; Nadeen Ebrahim, "Netanyahu says he's trying everything to get more aid to Gaza. Aid groups say that's not true," CNN, March 18, 2024; David S. Cloud and Carrie Keller-Lynn, "As Israel Drives Out Hamas, Lawlessness Hampers Gaza Aid Efforts," *Wall Street Journal*, February 27, 2024.

¹⁰ Akram and Bronner, "Gazans go hungry as Hamas, Israel and clans battle for control."

¹¹ Transcript available at https://plus.cq.com/doc/congressionaltranscripts-7983043?4.

police; Israeli officials claim that some of the police sought to siphon goods to Hamas. ¹² Without police escorts, hungry crowds and armed gangs have reportedly looted some aid convoys before they could reach their planned delivery points. ¹³

A March report from the Integrated Food Security Phase Classification (IPC) warning that "famine is imminent," ¹⁴ appeared to influence U.S. demands on Israel (see below). In her April 10 testimony, USAID Administrator Power replied affirmatively to a question asking whether famine is already occurring in parts of Gaza. ¹⁵ Amid an international outcry, assistance deliveries via land, air, and sea have increased (discussed further below); they remain short of U.N.-assessed needs. U.N. officials have said that to deliver large volumes of assistance, "there is no meaningful substitute to the many land routes and entry points from Israel into Gaza." ¹⁶

After clearing some areas in Gaza of visible Hamas control, Israel has withdrawn tens of thousands of troops and apparently shifted toward lower-intensity warfare. In early April, the Israel Defense Forces (IDF) announced that it was withdrawing troops from the city of Khan Younis, while maintaining a few thousand troops in key areas and at Gaza's periphery to enable continued operations. Is Israeli leaders have said that the April troop withdrawals are in preparation for an expected offensive in Gaza's southernmost city of Rafah to corner Hamas's intact fighting units. Behate is ongoing in Israel about how to balance declared national objectives to end Hamas control over Gaza and recover hostages, and also address major U.S. and international concern about the safety and welfare of the over one million civilians there—most of whom earlier fled other conflict areas. Tensions regarding potential direct escalation between Israel and Iran might delay possible Israeli preparations for military action in Rafah.

Negotiations involving the United States, Egypt, and Qatar have sought to persuade Israel and Hamas to accept a proposed hostage-prisoner exchange that could pause the fighting for several weeks or more. While the return of some hostages to Israel could alleviate domestic pressure on the Netanyahu government, the government faces difficult debates about whether and how continued or resumed fighting might help it achieve the national objectives mentioned above: recovering hostages and defeating Hamas. One article has speculated that the unrestricted return

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¹² David S. Cloud and Carrie Keller-Lynn, "As Israel Drives Out Hamas, Lawlessness Hampers Gaza Aid Efforts," Wall Street Journal, February 27, 2024.

¹³ Barak Ravid and Laurin-Whitney Gottbrath, "U.S. officials warn: Gaza 'is turning into Mogadishu," Axios, February 24, 2024. During one such incident on February 29, more than 100 people were killed and 700 injured by some combination—subject to conflicting accounts—of gunfire from Israeli forces, stampeding, and vehicular trauma. Raja Abdulrahim et al., "Wait for Food Ended in Chaos, Panic and Death," *New York Times*, March 2, 2024.

¹⁴ IPC - Special Brief, *The Gaza Strip*, March 18, 2024 (based on data as of March 10, 2024), at https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July2024_ Special_Brief.pdf.

¹⁵ Transcript available at https://plus.cq.com/doc/congressionaltranscripts-7983043?4.

¹⁶ UN News, "For the first time in weeks, UN aid teams reach Gaza City," March 12, 2024.

¹⁷ Patrick Kingsley, "Active Fighting Subsides in Gaza, but War Goes On," New York Times, April 9, 2024.

¹⁸ Emanuel Fabian, "IDF chief says withdrawal of troops from Gaza doesn't mean war is close to end," *Times of Israel*, April 7, 2024.

¹⁹ Jacob Magid, "Contradicting Netanyahu, Gallant told Austin no date set for Rafah op — source," *Times of Israel*, April 10, 2024.

²⁰ "Conflicting reports on delays to Israel's planned Rafah operation," i24News, April 15, 2024.

²¹ "Hamas rejects Israel's ceasefire response, sticks to main demands," Reuters, April 13, 2024.

²² Israeli Prime Minister's Office, "PM Netanyahu's Remarks to the Knesset Foreign Affairs and Defense Committee," March 19, 2024.

of Gazans to their residences in the north and Israeli military withdrawals from populated areas could allow Hamas rule in Gaza to persist after the war.²³

Reportedly, as of April 15, 2024, more than 1,200 Israelis and foreign nationals (including at least 35 U.S. citizens in Israel) had been killed as a result of the October 7 attacks, more than 33,000 Palestinians in Gaza have been killed, and at least 259 Israeli soldiers have died in battle since Israel's military began ground operations in Gaza.²⁴ Israel claims it has killed 13,000 of some 30,000 Hamas fighters.²⁵ Hamas's unconventional tactics and tunnel network have helped its resilience and allowed its most senior leaders to elude Israel.²⁶

Hamas and other groups reportedly seized 253 Israeli and foreign national hostages on October 7, including some Americans.²⁷ Recovering hostages has been a major Israeli and U.S. concern. Qatar, Egypt, and the United States facilitated a multiday pause in fighting between Israel and Hamas in the final week of November. During the pause, 110 hostages held in Gaza (including two U.S.-Israeli dual citizens) and 250 Palestinian prisoners held by Israel were released.²⁸ Around 129 hostages reportedly remain in Gaza (possibly including five living Americans), with reports suggesting that at least 34 of these hostages are presumed dead, and some reports indicating that number may be higher.²⁹

Observers debate how to apportion blame between Israel and Hamas—not always in mutually exclusive terms—for dangers to civilians and the worsening of already dire humanitarian conditions in Gaza. Some argue that Israeli actions have inflicted casualties and limited life-sustaining supplies; some assert that Hamas personnel in Gaza and other militants reportedly contribute to making civilian areas and facilities unsafe by operating in or near them.³⁰

Selected International Responses to the Conflict

Arab states. Public expressions of anger over Israel's conduct of the war in Gaza and rising civilian death tolls have put pressure on Arab governments to oppose Israeli actions in Gaza.³¹ Together with other members of the Organization of Islamic Cooperation, Arab countries called for an end to "Israeli aggression against the Gaza strip," more humanitarian aid, and a freeze on international arms exports to Israel.³²

²³ Dov Lieber and Nancy Youssef, "Israel, Hamas Resume Cease-Fire Talks," Wall Street Journal, April 8, 2024.

²⁴ UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #153," April 15, 2024; Department of State, "Secretary Antony J. Blinken at a Press Availability," Tel Aviv, Israel, November 3, 2023. Palestinian casualty figures come from the Hamas-controlled health ministry in Gaza.

²⁵ "Six months on, how close is Israel to eliminating Hamas?" BBC, April 6, 2024.

²⁶ Marcus Walker et al., "Why Hamas Thinks It Still Could Win the War," Wall Street Journal, March 1, 2024.

 $^{^{27}}$ "Israel says 253 people taken hostage on October 7, announcing firm number for the first time," CNN, January 17, 2024.

²⁸ Erin Banco, "Gaza hostage talks hit roadblock, raising fears of prolonged captivity" *Politico*, December 7, 2023. Four hostages (including two Americans) were released before the late November pause.

²⁹ Emanuel Fabian, "IDF withdraws ground troops from south Gaza, leaving just one brigade in whole enclave," *Times of Israel*, April 7, 2024; Summer Said et al., "Fears Grow over Gaza Hostages," *Wall Street Journal*, April 12, 2024; Monica Pronczuk et al., "Aid Ship Heads to Gaza as Hezbollah Takes Aim at Northern Israel," *New York Times*, March 13, 2024.

³⁰ See, for example, Michael Crowley and Edward Wong, "Under Scrutiny Over Gaza, Israel Points to Civilian Toll of U.S. Wars," *New York Times*, November 7, 2023; Jason Willick, "We can't ignore the truth that Hamas uses human shields," *Washington Post*, November 14, 2023; Avner Gvaryahu, "The Myth of Israel's 'Moral Army," *Foreign Affairs*, March 4, 2024.

³¹ Kareen Fahim et al., "Arab nations call for restraint as Israel-Iran conflict intensifies," Washington Post, April 15, 2024

³² "Arab-Islamic summit adopts resolution on Israeli aggression against the Palestinian people," *Arab News*, November 12, 2023.

U.N. Security Council and International Court of Justice. On November 15, 2023, the U.N. Security Council adopted Resolution 2712, which called for "urgent and extended humanitarian pauses" and the "immediate and unconditional release of all hostages held by Hamas and other groups." On December 22, 2023, the Security Council adopted Resolution 2720, which called for "urgent steps to immediately allow safe, unhindered, and expanded humanitarian access and to create the conditions for a sustainable cessation of hostilities." On March 25, 2023, the Council adopted Resolution 2728, which demanded an "immediate ceasefire for the month of Ramadan" and echoed many of the other points of the earlier resolutions. The United States abstained from all three resolutions. On January 26, the International Court of Justice (ICJ) found that it had jurisdiction over allegations by South Africa that Israel may have committed acts of genocide, and ordered Israel (among other provisional measures) to prevent the commission of or incitement to genocide and to "enable the provision of urgently needed basic services and humanitarian assistance" to Palestinians in Gaza.33

U.S. Policy

Israeli Operations, Humanitarian Access, and Civilian Protection

While the U.S. government has stated its support for Israeli military operations to defend itself in line with international law, the Administration's public criticism of Israel's actions has sharpened as the conflict has continued. In late March, President Biden reaffirmed "the need to defeat Hamas in Gaza while also protecting the civilian population and facilitating the safe and unhindered delivery of assistance throughout Gaza. "34 The Administration has pressed Israel not to proceed with an offensive in Rafah without clearly planning for civilian safety and welfare. 35

U.S. Measures Regarding the West Bank

While Gaza has been the primary focus of the conflict, smaller-scale violence has continued in the West Bank involving Palestinian militants, Israeli forces, and Israeli settlers. U.S. officials and lawmakers have signaled concerns related to Israeli actions in the West Bank that may endanger Palestinians' lives or property.³⁶ On February I, President Biden issued Executive Order 14115, authorizing "sanctions against those directing or participating in certain actions, including acts or threats of violence against civilians, intimidating civilians to cause them to leave their homes, destroying or seizing property, or engaging in terrorist activity in the West Bank."37 Pursuant to this executive order, the Administration has imposed sanctions (including visa bans) on seven Israeli settlers and two outposts (which are illegal under Israeli law) allegedly used as bases to "perpetrate violence against Palestinians." 38

Following an Israeli drone strike on April 1 that killed seven humanitarian workers from the World Central Kitchen (WCK) organization, President Biden called Prime Minister Netanyahu on April 4. The readout of the call said:

President Biden emphasized that the strikes on humanitarian workers and the overall humanitarian situation are unacceptable. He made clear the need for Israel to announce and

³³ ICJ Order, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), January 26, 2024.

³⁴ White House, "Readout of President Biden's Call with Prime Minister Netanyahu of Israel," March 18, 2024.

³⁵ Department of State Press Briefing, March 25, 2024.

³⁶ Letter from 12 Senators to President Biden dated December 20, 2023, at https://www.heinrich.senate.gov/imo/media/ doc/letter_to_potus_west_bank.pdf; Department of State, "Announcement of Visa Restriction Policy to Promote Peace, Security, and Stability in the West Bank," December 5, 2023.

³⁷ "Executive Order 14115 of February 1, 2024: Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank," Federal Register, vol. 89, no. 24, February 5, 2024, pp. 7605-7608.

³⁸ Department of State, "Announcement of Further Measures to Promote Peace, Security, and Stability in the West Bank," February 1, 2024; "Imposing Further Sanctions to Promote Peace, Security, and Stability in the West Bank," March 14, 2024.

implement a series of specific, concrete, and measurable steps to address civilian harm, humanitarian suffering, and the safety of aid workers. He made clear that U.S. policy with respect to Gaza will be determined by our assessment of Israel's immediate action on these steps. He underscored that an immediate ceasefire is essential to stabilize and improve the humanitarian situation and protect innocent civilians, and he urged the Prime Minister to empower his negotiators to conclude a deal without delay to bring the hostages home.³⁹

According to a media account of unnamed sources with reported knowledge of the call, Biden told Netanyahu that absent an Israeli change of course in Gaza, "we won't be able to support you," without specifying further.⁴⁰

Shortly after the call, Israel announced it would take measures to increase the flow of humanitarian assistance into Gaza, including by opening a new crossing to expedite humanitarian access to northern Gaza, and approving the use of the southern Israeli port of Ashdod as an aid supply hub.⁴¹ The White House also reportedly expects Israel to adopt new military procedures for deconfliction that protect civilians and relief workers.⁴² After its initial investigation of the drone strike on the WCK convoy, the IDF found the strike to violate IDF rules of engagement, and dismissed or reprimanded five officers; WCK has called for an independent inquiry.⁴³

U.S. Military Involvement in Airdrops and Facilitating Maritime Corridor to Gaza

Amid calls by some U.S. lawmakers for efforts to address the deteriorating humanitarian situation,⁴⁴ U.S. Central Command—in concert with Jordan—began a series of airdrops of food into Gaza in early March as part of a broader U.S. government policy to work with allies and partners to facilitate the expansion of humanitarian assistance to Gaza by land, air, and sea.⁴⁵

In his March 7 State of the Union address, President Biden announced that the U.S. military would lead an emergency mission to establish a port on the Gaza coast that can receive large ships carrying food, water, medicine, and temporary shelters. ⁴⁶ Administration officials said that the mission will be "conducted by the [Army's] 7th Transportation Brigade from Joint Base Langley-Eustis, Virginia, and other forces, [and] will deploy DOD's Joint Logistics Over-the-Shore capability, or JLOTS, with a goal of beginning delivery operations in approximately 60 days [emphasis added]." ⁴⁷ Any logistics ships will reportedly need armed escorts when in range of the coast. ⁴⁸ Some observers have described the plan as "fraught with uncertainty" given security risks, delivery issues, and other obstacles, ⁴⁹ with these concerns increasing in the aftermath of the Israeli strike on the WCK convoy. ⁵⁰ According to U.S. officials, the plan involves the following:

• Offshore construction of a temporary pier and causeway with capacity to eventually deliver more than 2 million meals per day (according to one journalist, "conservatively Gaza needs 6.6 million meals a

³⁹ White House, "Readout of President Joe Biden's Call with Prime Minister Netanyahu of Israel," April 4, 2024.

 $^{^{\}rm 40}$ Barak Ravid, "'We won't support you': Inside Biden's ultimatum to Bibi," Axios, April 5, 2024.

⁴¹ Barak Ravid, "Israel agrees to increase humanitarian aid delivery to Gaza under U.S. pressure," Axios, April 4, 2024; "Gallant says Israel plans to 'flood Gaza with aid' via new crossing into Strip's north," *Times of Israel*/Reuters, April 10, 2024.

⁴² Peter Baker, "A Biden Threat, but Hoping Not to Act," New York Times, April 6, 2024.

⁴³ Aaron Boxerman and Adam Rasgon, "Cascade of Errors by Israel Doomed Gaza Aid Convoy," *New York Times*, April 6, 2024.

⁴⁴ Sen. Jeff Merkley, "The U.S. Should Immediately Mobilize 'Operation Gaza Relief," February 16, 2024; Heather Mongilio, "Pentagon Has No Plans to Send U.S. Navy Hospital Ship to Middle East," USNI News, February 29, 2024.

⁴⁵ White House, "Background Press Call on the Humanitarian Assistance Airdrop into Gaza," March 2, 2024.

⁴⁶ White House, "Remarks by President Biden in State of the Union Address," March 7, 2024.

⁴⁷ DOD News, "DOD to Construct Pier to Deliver Humanitarian Aid to Gaza," March 8, 2024.

⁴⁸ Helene Cooper and Eric Schmitt, "U.S. Widens Aid Effort for the People in Gaza, Even as It Backs Israel," *Wall Street Journal*, March 11, 2024.

⁴⁹ Sune Engel Rasmussen et al., "Sea Plan Tests U.S., Allies Ability to Help," Wall Street Journal, March 9, 2024.

⁵⁰ Lara Seligman et al., "US plan to deliver aid from Gaza pier in doubt after WCK strike," *Politico*, April 3, 2024.

day"), without placing any of the over 1,000 U.S. military personnel involved in the operation onshore in Gaza.⁵¹

Logistical and security coordination that includes Israeli inspection of aid in Cyprus, commercial shipping
to Gaza enabled by a U.S. military-led coalition, Israeli commitments to provide onshore security, and onward
distribution of assistance within Gaza via coordination with the U.S. Agency for International Development
(USAID) and others.⁵²

Some Members of Congress have expressed support for the plan, while some have voiced concern about potential risks to U.S. personnel.⁵³ In April 9 testimony before the Senate Armed Services Committee, Secretary of Defense Lloyd Austin alluded to ongoing efforts to move the plan forward, and affirmed that force protection would be top priority.⁵⁴

In April 10 testimony before the House Foreign Affairs Committee, USAID Administrator Samantha Power said, "I think President Biden has been really, really clear that there have been too many restrictions, too many delays, not enough points of access.... We need sustained, land access, including to the north, including through new checkpoints and crossing points. So a series of commitments, I will say, over the last few days, have been made. But there's just not a minute to spare in seeing the implementation of those commitments." 55

Potential Post-Conflict Scenarios

The Administration has reportedly conferred with officials from Israel, the West Bank-based Palestinian Authority (PA), and Arab states on security and governance for Gaza after conflict abates. Tensions between supporting domestically legitimate Palestinian self-rule and safeguarding Israel's capacity to stifle potential threats may intensify the challenges involved.

Biden Administration officials have said that a revamped PA should ultimately take responsibility for post-conflict governance in Gaza, while diplomatic efforts continue toward an eventual two-state solution. PA President Mahmoud Abbas said in November that the PA would only govern Gaza—which Hamas forcibly seized from the PA in 2007—in the context of significant progress toward establishing a Palestinian state in the West Bank and Gaza that has a capital in East Jerusalem. President Biden said in February that the PA "must prepare to build a state that accepts peace, [and] does not harbor terrorist groups. U.S. Ambassador to Israel Jack Lew has stated that "an over the horizon process that includes a vision for a demilitarized Palestinian

⁵¹ Department of Defense, "Pentagon Press Secretary Air Force Maj. Gen. Pat Ryder Holds a Press Briefing," March 8, 2024

⁵² Department of Defense, "Pentagon Press Secretary Air Force Maj. Gen. Pat Ryder Holds a Press Briefing," April 4, 2024; White House, "Background Press Call on Humanitarian Aid for Gaza Ahead of the State of the Union," March 7, 2024.

⁵³ Joe Gould and Lara Seligman, "Democrats join Republicans in wanting more answers on Biden's Gaza pier," *Politico*, March 15, 2024; Letter to President Biden dated March 21, 2024 from 12 Senators, at https://www.wicker.senate.gov/services/files/77E022FA-0DC8-4AF4-9072-C04BD8C43A01.

⁵⁴ Transcript available at https://plus.cq.com/doc/congressionaltranscripts-7980765?5.

⁵⁵ Transcript available at https://plus.cq.com/doc/congressionaltranscripts-7983043?4.

⁵⁶ Joe Biden, "The U.S. won't back down from the challenge of Putin and Hamas," *Washington Post*, November 18, 2023.

⁵⁷ "Receiving US State Secretary, President Abbas demands immediate end to Israel's aggression on Gaza," WAFA News Agency, November 5, 2023.

⁵⁸ White House, "Remarks by President Biden and His Majesty King Abdullah II of Jordan After a Meeting," February 12, 2024.

state" would be important in persuading Arab countries to consider improving relations with Israel, supporting PA reform, and backing Gaza's reconstruction.⁵⁹

Prime Minister Netanyahu stated in December that only Israel can demilitarize Gaza, and has argued that the PA should not rule Gaza, alleging that it provides rhetorical and financial support for terrorism. ⁶⁰ In January, after President Biden reiterated his commitment to an eventual two-state solution, Netanyahu insisted that Israel have full security control of "all territory west of the Jordan River," and said that his years-long stance on the subject has prevented the establishment of a Palestinian state. ⁶¹ Netanyahu may calculate that opposition to a two-state solution might rally domestic support for him and the ultra-nationalist figures in his coalition, amid a significant dip in Netanyahu's popularity since the October 7 attack, ⁶² and calls by Israeli war cabinet member Benny Gantz and some public protests in Israel for new elections sometime in 2024. ⁶³ Some unnamed Israeli officials have been cited as saying they may need to work with people "somewhat related" to the PA, though perhaps not the "PA in its current form."

A new PA prime minister and cabinet took office in March, but it is unclear whether these leadership changes can help counter the negative views held about the PA—according to a March poll—by 65% of Palestinians in the West Bank and Gaza. Any PA policy steps apparently remain subject to President Abbas's approval. The new prime minister, Muhammad Mustafa, promised PA reform and the creation of an independent agency to handle Gaza's post-conflict recovery and reconstruction. Some analysts have surmised that factors contributing to the new government's success and domestic acceptance could include its ability to raise sufficient revenue—including from Arab governments and other foreign sources—to cover PA salaries and benefits, and to reach understandings with Hamas elements in Gaza that could otherwise present obstacles to PA governance there. Tensions between the types of reforms that could appeal to Palestinian audiences and those sought by Israel and the United States to minimize threats from Palestinian militants may present challenges.

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⁵⁹ U.S. Embassy in Israel, "Ambassador Lew's Remarks to the National Israel Mission of the Conference of Presidents," February 18, 2024.

⁶⁰ Benjamin Netanyahu, "Israel's Three Prerequisites for Peace," Wall Street Journal, December 26, 2023.

⁶¹ Israel Prime Minister's Office, "Statement by PM Netanyahu," January 21, 2024.

⁶² "Polls: Netanyahu Losing Knesset Majority as Gaza War Hits Six-month Mark; Gantz Stays Ahead," *Haaretz*, April 8, 2024.

⁶³ Anat Peled, "Israel's Protest Movement Re-Emerges with Focus on Bringing Down Netanyahu," *Wall Street Journal*, April 3, 2024.

⁶⁴ Omar Abdel-Baqui et al., "Hamas, Palestinian Rivals Feud, Stoking Doubts on Gaza's Future," Wall Street Journal, April 9, 2024.

⁶⁵ Palestinian Center for Policy and Survey Research, *Public Opinion Poll No. 91*, April 15, 2024 (based on data from March 5-10, 2024).

⁶⁶ Carrie Kahn, "Palestinian Authority announces formation of a new cabinet amid reform pressures," NPR, March 30, 2024.

⁶⁷ "The new Palestinian prime minister maps out his vision for a path to peace," *Economist*, March 17, 2024.

⁶⁸ Steven Erlanger and Adam Rasgon, "Little Expected of Palestine's Prime Minister," *New York Times*, March 16, 2024; Patrick Kingsley, "Top Leaders in West Bank Step Down," *New York Times*, February 27, 2024.

Issues for Congress

Congress and U.S. Arms Sales Policy Regarding Israel

For roughly six months after October 7, the Biden Administration repeatedly signaled its full support for expedited U.S. arms sales to Israel.⁶⁹ A shift became apparent when, as mentioned above, President Biden, during his April 4 phone call with Prime Minister Netanyahu "made clear that U.S. policy with respect to Gaza" would be determined by Israeli action to address civilian harm, humanitarian suffering, and the safety of aid workers.⁷⁰

Since October 7, 2023, most U.S. Foreign Military Sales (FMS) and Direct Commercial Sales (DCS) to Israel were previously approved for delivery and accelerated, taken from the U.S. stockpile in Israel (known as War Reserve Stocks for Allies-Israel, or WRSA-I), and/or were not notified to Congress because their dollar value fell below the prior notice threshold⁷¹ for transfers to Israel.⁷² There have been two FMS cases notified to Congress since the October 7 attacks, and both were under emergency circumstances and therefore bypassed congressional review.⁷³

As international scrutiny of Israel's conduct during the war has grown, the Biden Administration has taken some steps aimed at promoting adherence to international law and accountability for U.S. arms deliveries to Israel. On February 8, President Biden issued NSM-20, a new National Security Memorandum. Among other things, the directive requires that prior to the transfer of any U.S. defense article, the Departments of State and Defense must obtain "credible and reliable" written assurances from the recipient country that it will use any such defense articles in accordance with international humanitarian law and, as applicable, other international law.⁷⁴

In late March, Israel provided those assurances to the United States and, on March 25, Department of State spokesperson Matthew Miller remarked, "We have not found them [Israel] to be in violation of international humanitarian law, either when it comes to the conduct of the war or when it comes to the provision of humanitarian assistance."⁷⁵ That same day, 17 Senators issued a statement, asserting that "it would be inconsistent with the letter and spirit of NSM-20 to find that assurances made by the Netanyahu Government meet the required 'credible and reliable'

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⁶⁹ Michael Crowley and Edward Wong, "Gaza War Turns Spotlight on Long Pipeline of U.S. Weapons to Israel," *New York Times*, April 6, 2024.

⁷⁰ White House, "Readout of President Joe Biden's Call with Prime Minister Netanyahu of Israel," April 4, 2024.

⁷¹ Per the Arms Export Control Act (AECA), in the case of sales to NATO member states, NATO, Japan, Australia, South Korea, Israel, or New Zealand, the President must formally notify Congress 15 calendar days before proceeding with the sale. The prior notice threshold values for transfers to these recipients are \$25 million for the sale, enhancement, or upgrading of major defense equipment; \$100 million for the sale, enhancement, or upgrading of defense articles and defense services; and \$300 million for the sale, enhancement, or upgrading of design and construction services. See CRS Report RL31675, Arms Sales: Congressional Review Process, by Paul K. Kerr.

⁷² See, Jared Malsin and Nancy A. Youssef, "How the U.S. Arms Pipeline to Israel Avoids Public Disclosure," *Wall Street Journal*, March 6, 2024.

⁷³ Defense Security Cooperation Agency, "Israel—M830a1 120mm Tank Cartridges," December 9, 2023, and "Israel—155mm Artillery Ammunition," December 29, 2023.

⁷⁴ White House, "National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services," February 8, 2024.

⁷⁵ Department of State Press Briefing, March 25, 2024. See also, Department of State Press Briefing, March 26, 2024.

standard at this time."⁷⁶ Other Members criticized NSM-20, asserting that "we already have rules requiring aid recipients to comply with applicable law and in line with American interests."⁷⁷

The following is a summary of recent congressional action related to U.S. arms sales to Israel:

- On April 4, the *Washington Post* reported that the Biden Administration approved the sale of U.S. precision-guided munitions to Israel (which had been notified to Congress years earlier) hours before the Israeli strike on the WCK convoy. 78 On April 5, 40 House lawmakers (joined by 16 more as of April 8) wrote a letter to President Biden urging him, among other things, to reconsider the approval of a new U.S. munitions and F-35 fighter aircraft sale to Israel and to withhold any future offensive arms transfers until the completion of an investigation of the WCK strike. 79
- On April 1, *Politico* reported that the Biden Administration had "informally notified" relevant congressional committees of a potential arms sale to Israel of up to 50 new F-15 fighter jets, 30 AIM-120 Advanced Medium-Range Air-to-Air Missiles, and Joint Direct Attack Munition kits; the total value of this package is reportedly \$18 billion or more. 80 In an interview with CNN, Senator Elizabeth Warren responded to a question of whether she would block the sale by saying "I think it is clear that Congress has a responsibility to act. We have legal tools here. And as I said, we cannot approve the sale of arms to a country that is in violation of our own laws on this. And that includes access to humanitarian relief."81
- On March 29, the *Washington Post* reported that the Biden Administration had authorized transfers to Israel that month of various weapons, including 25 F-35A fighter jets and engines to Israel worth an estimated \$2.5 billion, and more than 1,800 MK84 2,000-pound bombs and 500 MK82 500-pound bombs.⁸² These transfers had reportedly been notified years ago to Congress without objection.⁸³

Debate over Conditioning Aid to Israel

As lawmakers have scrutinized U.S. arms sales to Israel, some have focused on how Congress may condition, restrict, or halt U.S. foreign aid to Israel, either to encourage changes in Israeli policy in Gaza, or to protest general U.S. support for Israel. In light of deteriorating humanitarian conditions in Gaza, some lawmakers have called on President Biden to enforce Section 620I of the Foreign Assistance Act of 1961 (FAA), which prohibits providing certain assistance to foreign

⁷⁶ Sen. Tim Kaine, "Van Hollen, Durbin, Kaine, Schatz, Colleagues Tell Biden Administration that Deeming Netanyahu Government Assurances on Humanitarian Aid 'Credible' at this Time Would be Inconsistent with NSM-20," March 25, 2024.

⁷⁷ Sen. Rick Scott, "Sens. Rick Scott, Tom Cotton & Colleagues to Biden: Rescind Directives Intended to Undermine Israelis," February 29, 2024.

⁷⁸ John Hudson, "U.S. approved more bombs to Israel on day of World Central Kitchen strikes," *Washington Post*, April 4, 2024.

⁷⁹ Rep. Jan Schakowsky, "Schakowsky, Pocan, McGovern, Urge Biden, Blinken to Withhold Weapons Transfers after Humanitarian Aid Workers Killed," April 5, 2024; X, Rep. Mark Pocan, April 8, 2024 - 5:52 PM, at https://twitter.com/RepMarkPocan/status/1777454414460010615.

⁸⁰ Lara Seligman, Joe Gould and Paul Mcleary, "US weighs selling new fighter jets, missiles and guidance kits to Israel," *Politico*, April 1, 2024.

⁸¹ Miranda Nazzaro, "Warren says she would move to block sale of F-15s to Israel," The Hill, April 4, 2024.

⁸² John Hudson, "U.S. signs off on more bombs, warplanes for Israel," Washington Post, March 29, 2024.

⁸³ Ibid.

countries that block or impede delivery of U.S. humanitarian assistance.⁸⁴ Additional lawmakers have warned against an Israeli military operation in Rafah, saying that they would vote to condition aid to Israel if such an operation ensues without making provisions for the civilian population.⁸⁵ Some Members have called on President Biden to continue U.S. support for missile defense systems while "withholding bombs and other offensive weapons that can kill and wound civilians and humanitarian aid workers."⁸⁶ A few Members have called on President Biden to halt arms sales to Israel altogether and also have supported international efforts to do so.⁸⁷

Other Members have rejected calls for conditioning U.S. aid to Israel and have criticized the Administration for pressuring the Israeli government amid ongoing hostilities against FTOs such as Hamas and Hezbollah. 88 On April 9, H.Res. 1117 was introduced in the House. Among other things, it "opposes efforts to place one-sided pressure on Israel with respect to Gaza." The State, Foreign Operations, and Related Programs Appropriations portion of the omnibus appropriations bill passed by Congress in March 2024 included \$3.3 billion in Foreign Military Financing (FMF) for Israel and \$500 million in missile defense without any specific conditions.

Debate over Humanitarian Assistance to Gaza and UNRWA

Congress has been deliberating about the scope and conditions of humanitarian assistance for Gaza, including with respect to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) or possible alternative implementing partners. ⁸⁹ In January, after allegations emerged that some UNRWA employees were involved in the October 7 attacks, the Department of State announced a temporary pause in U.S. funding to UNRWA, pending further review of the allegations. ⁹⁰ Division G, Section 301 of the Further Consolidated Appropriations Act, 2024 (P.L. 118-47), prohibits U.S. contributions to UNRWA, notwithstanding any other provision of law, from funds made available by the act (or other acts) for "any amounts provided in prior fiscal years," FY2024, and FY2025, until March 25, 2025.

Some lawmakers have sponsored legislation or written letters calling for a halt to humanitarian aid in Gaza and/or greater monitoring of whether or not any U.S. assistance may previously have been diverted—or be at risk of future diversion—by Hamas or other groups.⁹¹ Other lawmakers have called for additional humanitarian aid for the Palestinians.⁹² In February 2024, 25 Senators

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⁸⁴ Sen. Bernie Sanders, "Sanders, Van Hollen, Merkley, and Five Colleagues Urge President Biden to Enforce U.S. Law with Netanyahu," March 12, 2024.

⁸⁵ "Senior Democrat backs conditioning Israel aid if Rafah op launched sans provisions to protect civilians," *Times of Israel*, April 4, 2024.

 $^{^{86}}$ https://www.kaine.senate.gov/press-releases/kaine-issues-statement-on-latest-developments-in-israel-hamas-conflict#:~:text=% E2% 80% 9CThe% 20Israeli% 20strike% 20on% 20a,is% 20at% 20a% 20boiling% 20point.

^{87 &}quot;Politicians from 12 countries unite to press for arms ban on Israel," The Guardian (UK), March 1, 2024.

⁸⁸ Speaker Mike Johnson (@SpeakerJohnson), "The President's ultimatums should be going to Hamas, not Israel," X post, April 4, 2024, https://twitter.com/SpeakerJohnson/status/1776046097086972393.

⁸⁹ CRS Insight IN12316, *The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Overview and the U.S. Funding Pause*, by Rhoda Margesson and Jim Zanotti.

⁹⁰ Department of State Press Briefing, January 30, 2024. According to this source, total U.S. funding for UNRWA (which provides services to refugees in Jordan, Lebanon, and Syria, in addition to those in Gaza and the West Bank) in FY2024 prior to that date was \$121 million.

⁹¹ House Foreign Affairs Committee, "Committee Republicans Demand Answers After Reports of UNRWA Aid Ending Up in Hamas' Hands," January 17, 2024. Lawmakers in both chambers have introduced bills during the 118th Cong. that would prohibit any U.S. funding for Palestinians in Gaza absent a presidential certification that (among other things) the assistance would not benefit Hamas or other terrorist organizations or affiliates (S. 489 and H.R. 5996).

⁹² Sen. Bob Casey, "Casey Urges President Biden to Do More to Address Famine in Gaza," March 19, 2024.

wrote a letter to President Biden urging his Administration to work with Israel to increase humanitarian access to Gaza and investigate allegations of employee wrongdoing at UNRWA "so that the resumption of U.S. assistance through UNRWA, when appropriate, remains possible."93

As part of the President's October request noted below, the Administration is requesting from Congress about \$9.9 billion in supplemental appropriations for global humanitarian aid accounts. In February, the Administration said it expected \$1.4 billion of this amount to be planned for Gaza.⁹⁴ For FY2024, the United States has committed around \$165.7 million in humanitarian assistance for emergency relief efforts in the region. 95 USAID's Bureau for Humanitarian Assistance has committed \$96.5 million in assistance for Gaza and the West Bank; the Department of State's Bureau of Population, Refugees, and Migration has committed \$51 million via UNRWA, and \$18.2 million for the region via another implementing partner.⁹⁶

Supplemental Appropriations Legislation

In an October 2023 Oval Office speech, President Biden announced an emergency supplemental budget request to support U.S. partners, including Ukraine and Israel, and to address other domestic and global issues.⁹⁷ In sum, the President seeks over \$14 billion in Israel-related funding. Since then, Congress has considered respective versions of supplemental appropriations legislation addressing Israel, Gaza, Ukraine, Taiwan, and domestic matters such as border and tax policies.

To date, there have been three votes on supplemental appropriations bills, all of which would have come close to matching the President's Israel-related request but differed in other respects. On November 2, 2023, the House passed (by a vote of 226-196) H.R. 6126, the Israel Security Supplemental Appropriations Act, 2024. That bill would provide \$14.3 billion in Israel-related supplemental appropriations but would offset the proposed additional appropriations for Israel by rescinding \$14.3 billion for the Internal Revenue Service. On February 6, 2024, the House voted down (by a vote of 180-250)98 H.R. 7217, the Israel Security Supplemental Appropriations Act, 2024. On February 13, 2024, the Senate passed, via a substitute amendment (by a vote of 70-29), H.R. 815, a bill that would provide \$14.1 billion in Israel-related supplemental appropriations.

As of mid-April 2024, some House lawmakers are reportedly considering using a Discharge Petition (218 signatures needed) to bring to the House floor H.R. 7372, the Defending Borders, Defending Democracies Act, a bill that would provide amounts related to Israel, Ukraine, and Taiwan. It includes \$10.7 billion in Israel-related appropriations (though no Foreign Military Financing). Unlike the Senate-passed H.R. 815, H.R. 7372 does not include global humanitarian funding. Some House lawmakers also are reportedly considering a second discharge petition to force a floor vote on H.R. 815.99

⁹³ Sen. Chris Murphy, "Murphy, Van Hollen, Coons, Merkley, 21 Colleagues Urge Biden Administration to Work with Israel to Take 5 Steps to Get More Humanitarian Aid into Gaza," February 2, 2024.

⁹⁴ Department of State Press Briefing, February 5, 2024.

⁹⁵ USAID, Levant Complex Emergency Fact Sheet #4, March 8, 2024.

⁹⁶ Ibid.

⁹⁷ The request is available at https://www.whitehouse.gov/wp-content/uploads/2023/10/Letter-regarding-criticalnational-security-funding-needs-for-FY-2024.pdf.

⁹⁸ H.R. 7217 had been considered under Suspension of the Rules, which requires approval by at least two-thirds of

⁹⁹ Stephen Groves, "House Democrats and centrist Republicans launch separate efforts to force a vote on Ukraine aid," Associated Press, March 12, 2024.

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