

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

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SUMMARY

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Jim Zanotti

Specialist in Middle Eastern Affairs

Jeremy M. Sharp Specialist in Middle Eastern Affairs

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

Since October 7, 2023, Israel has been at war with the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO), which led an attack that day from the Gaza Strip into Israel. More than 1,200 Israelis and foreign nationals (including 46 U.S. citizens in Israel) were killed on October 7, and Hamas and other groups also seized some 251 hostages. Iran has provided material support to Hamas for decades, but the Office of the Director of National Intelligence assessed in February 2024 that "Iranian leaders did not orchestrate nor had foreknowledge of" the attack. The conflict that has ensued in the past year has posed major challenges for U.S. policymakers.

Conflict, humanitarian situation, and international action. In the conflict to date, more than 41,000 Palestinians in Gaza have been killed, according to the Hamas-controlled health ministry

there. Additionally, about 90% of Gaza's some 2.1 million residents have been displaced, with most facing unsanitary, overcrowded conditions alongside acute shortages of food, water, medical care, and other essential supplies and services. Obstacles to transporting aid through crossings and Israeli checkpoints and then safely delivering it have contributed to high levels of food insecurity. According to the Famine Early Warning Systems Network (FEWS NET) as of August 2024, humanitarian aid was probably preventing famine, but "hunger and malnutrition remain dire, and hunger-related mortality is likely still occurring."

In May, the International Court of Justice (ICJ) ordered Israel to immediately "halt its military offensive, and any other action in the Rafah Governorate [at the southern tip of Gaza], which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part." The ICJ does not have an enforcement mechanism, and Israel insisted its operations did not "risk the destruction of the Palestinian civilian population." Also in May, the International Criminal Court (ICC) Prosecutor applied for arrest warrants for alleged war crimes against Israeli and Hamas leaders, including Prime Minister Benjamin Netanyahu, triggering denunciations from Biden Administration and Israeli leaders, and efforts by some Members of Congress to advance sanctions against ICC officials.

U.S.-Israel cooperation and tensions (including supplemental appropriations and oversight). The Biden Administration has provided political and material support for Israeli efforts to end Hamas rule in Gaza and secure the return of hostages. In Israel, debate is ongoing about the achievability of, and possible tension between, these objectives. While continuing most U.S. support, the Administration increased criticism of Israel during the first half of 2024, in apparent connection with Israel's prosecution of the war, questions about how military operations may or may not advance the Israeli government's stated objectives, and the conflict's impact on Palestinian civilians. It has continued most U.S. support to Israel, with one shipment of 2,000 bombs paused as of July. The Administration has pushed for a multi-phase cease-fire and hostage-prisoner exchange (working with Qatari and Egyptian mediators) and increases in humanitarian aid and civilian protection. Both Israel and Hamas have reportedly resisted various cease-fire proposals, and there appears to be division within the Israeli government over how to prioritize war aims—including whether or not keeping troops at the Gaza-Egypt border because of smuggling-related concerns may justify delaying a cease-fire that could return some hostages. Some media reports suggest Israel might consider withdrawing from this border if Egypt (with possible U.S. help) installs certain security measures.

In April, Congress appropriated the President's requested supplemental funding for Israel (\$8.7 billion in Foreign Military Financing and missile defense) and global humanitarian assistance (over \$9 billion) in P.L. 118-50. Congress also included provisions aimed at preventing the \$1 billion of humanitarian aid intended for Gaza from diversion, misuse, or destruction. A February presidential memorandum (an executive document, not standing law) set forth oversight mechanisms for Israel's compliance with international law as a U.S. arms recipient, and the Administration provided an initial report on Israeli compliance to Congress in May. Also in May, the Administration paused some weapons shipments to Israel, triggering debate in Congress. In August, the Administration formally notified Congress of potential arms sales to Israel for more than \$20 billion, including up to 50 new F-15 fighter aircraft.

Gaza transition planning. U.S. officials have sought to work with Israeli and Palestinian leaders and some Arab governments to plan for a transition of governance and security in Gaza, though they are likely to confront a number of political, security, and logistical obstacles to preventing a Hamas resurgence, establishing law and order, and enacting long-term recovery. U.S. officials have expressed support for a resumption of Palestinian Authority (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 during such a transition. Prime Minister Netanyahu has insisted that Israel have full security control of "all territory west of the Jordan River," and "overriding security control" in Gaza for the "foreseeable future."

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Overview

Since October 7, 2023, Israel has been at war with the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO), which led attacks on that day from the Gaza Strip into Israel (see **Figure 1**). The nature and extent of the October 7 assault stunned Israelis and many others, and includes allegations of sexual violence. Iran has long provided material support to Hamas, but the Office of the Director of National Intelligence assessed in February 2024 that "Iranian leaders did not orchestrate nor had foreknowledge of" the attack. Israeli officials may have missed signals, over-relied on technological solutions, overestimated their own defense capabilities, and/or misread Hamas's intentions and capabilities.

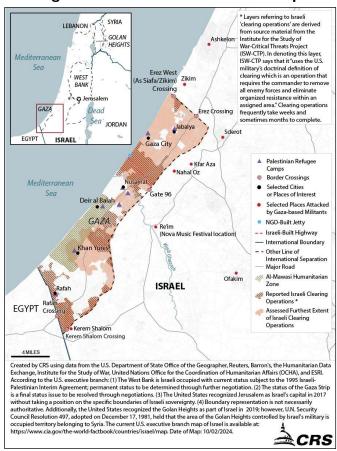


Figure 1. Israel and Gaza: Conflict Map

The Israel-Hamas war has presented several challenges for U.S. policy in the Middle East. These include how to bolster Israel's security from attacks and threats posed by Iran-supported actors

¹ UN News, "'Clear and convincing information' that hostages held in Gaza subjected to sexual violence, says UN Special Representative," March 4, 2024.

² Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community*, February 5, 2024. 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.

³ Yaniv Kubovich, "Disdain, Denial, Neglect: The Deep Roots of Israel's Devastating Intelligence Failure on Hamas and October 7," *Haaretz*, May 9, 2024; Ronen Bergman and Adam Goldman, "Israel Knew Hamas's Attack Plan More Than a Year Ago," *New York Times*, November 30, 2023.

near its borders, how to prevent the spread of conflict in the region and manage relationships among Israel and its neighbors, how to provide security assistance for Israel without endangering civilians, how to provide humanitarian aid for civilians displaced or otherwise affected by the fighting, how to help the parties reach a cease-fire agreement that secures the return of hostages (some of whom are U.S. citizens), and how to reconcile Palestinian desires for statehood and post-conflict recovery with Israeli efforts to eliminate Hamas as a political and military force in Gaza.

This report focuses on selected major aspects of the war and issues for Congress. Other CRS products address some related matters, including Israeli domestic politics, developments affecting the West Bank, and broader historical context regarding Israeli-Palestinian conflict.⁴ Additional CRS products address elements of broader regional struggle involving Israel (with help from the United States and some Arab states) against Iran and its various allies in Lebanon, Yemen, and elsewhere.⁵

Ongoing Conflict and Related Issues

Israel's war effort and U.S.-Israel cooperation and tensions. Israeli Prime Minister Benjamin Netanyahu has repeatedly stated that Israel seeks "total victory" over Hamas, including by destroying Hamas's military and governing capabilities in Gaza and recovering all hostages. Debate has ensued among Israeli officials and citizens about the achievability of, and possible tension between, these objectives. War cabinet minister Benny Gantz resigned and left the governing coalition in June 2024, asserting that Prime Minister Netanyahu had not sufficiently planned for a post-war transition. Defense Minister Yoav Gallant has called for an agreement that could at least pause fighting for six weeks and allow the return of some hostages.

Defining the success or sufficiency of Israeli operations in Gaza may also be complex and potentially divisive. As Israeli officials have debated the issue, some have asserted that a complete eradication of Hamas from Gaza or Palestinian politics is unlikely. In September, Defense Minister Gallant said, "Hamas as a military formation no longer exists. Hamas is engaged in guerrilla warfare and we are still fighting Hamas terrorists and pursuing Hamas leadership." New York Times reports in September cited U.S. officials saying that Hamas's control over Gaza has been "loosened but not broken," and a former Israeli military commander stating that no one "can challenge Hamas there after Israeli forces leave." 10

⁴ 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.

⁵ CRS Insight IN12347, Escalation of the Israel-Iran Conflict, coordinated by Jeremy M. Sharp; 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 Israeli Prime Minister's Office, "PM Netanyahu's speech at UNGA in New York," September 28, 2024.

⁷ "Gallant: Hamas as 'military formation' in Gaza is gone, IDF focus shifting to north," *Times of Israel*, September 10, 2024.

⁸ "IDF spokesman says Hamas can't be destroyed, drawing retort from PM: 'That's war's goal,' *Times of Israel*, June 20, 2024. One U.S.-based analyst provided additional perspective on the issue. Bruce Hoffman, "How Much of a Threat Does Hamas Still Pose to Israel?" Council on Foreign Relations, June 14, 2024.

⁹ "Gallant: Hamas as 'military formation' in Gaza is gone, IDF focus shifting to north," *Times of Israel*.

¹⁰ Julian E. Barnes et al., "Hamas Uses Brutal Tactics to Keep Its Grip on Gaza," *New York Times*, September 15, 2024; Adam Rasgon, "Hamas Is Surviving War with Israel," *New York Times*, September 17, 2024.

The United States has continued to provide political and material support for Israeli efforts to end Hamas rule in Gaza and secure the return of hostages. However, during the first half of 2024, the Biden Administration increased criticism of Israel in connection with Israel's prosecution of the war, questions about the extent to which military operations may or may not advance the Israeli government's stated objectives, and greater casualty counts and reported humanitarian challenges among Palestinian civilians. ¹¹ The Administration also has pushed for a multi-week cease-fire that it asserts would facilitate the release of hostages, more humanitarian aid, and civilian protection.

After a Year of War: Key Information

Casualties and hostages. Reportedly, as of October 2, 2024, more than 1,200 Israelis and foreign nationals (including 46 U.S. citizens in Israel) had been killed as a result of the October 7 attacks, more than 41,000 Palestinians in Gaza have been killed, and at least 346 Israeli soldiers have died in battle since Israel's military began ground operations in Gaza. ¹² Israel claims it has killed around 17,000 of Hamas's some 25,000-30,000 fighters, including half the leadership of its military wing. ¹³ Hamas and other groups reportedly seized some 251 Israeli and foreign national hostages on October 7, including some Americans. ¹⁴ To date, 117 hostages have reportedly been returned alive from Gaza, many in exchange for 250 Palestinian prisoners during a week-long November 2023 pause in fighting. ¹⁵ Some 37 additional hostages have been "recovered dead or killed in encounters." ¹⁶ About 97 (including some U.S. citizens) ¹⁷ reportedly remain in Gaza, though at least 33 of these are presumed dead. ¹⁸ Prime Minister Netanyahu reportedly estimated in September 2024 that half the remaining hostages are alive. ¹⁹

Humanitarian situation. The humanitarian impact of conflict on Gaza's some 2.1 million Palestinian residents has been dire—with around 90% displaced, and most facing threats from the fighting, overcrowding and unsanitary conditions, and acute shortages of food, water, medical care, and other essential supplies and services.²⁰ According to the Famine Early Warning Systems Network (FEWS NET) as of August 2024, humanitarian aid was probably preventing famine, but "hunger and malnutrition remain dire, and hunger-related mortality is likely still occurring." UN officials assess that, as of September 30, various states have provided about half of the \$3.4 billion projected as required for calendar year 2024 to meet the most critical needs of populations in Gaza and parts of the West Bank.²² During summer 2024, the World Health Organization (WHO) confirmed the reemergence of the polio virus in Gaza, leading to an emergency vaccination campaign for children there.²³ As

^{11 &}quot;Read the Full Transcript of President Joe Biden's Interview with TIME," Time, June 4, 2024.

¹² United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), "Humanitarian Situation Update #224| Gaza Strip," September 30, 2024; "Reported impact snapshot | Gaza Strip," October 2, 2024; White House, "Remarks by President Biden Before the 79th Session of the United Nations General Assembly | New York, NY," September 24, 2024. Palestinian casualty figures, which presumably include combatants and civilians, come from the Hamas-controlled health ministry in Gaza.

¹³ Emanuel Fabian, "IDF assesses Hamas defeated militarily in all of Gaza, is now a guerrilla terror group," *Times of Israel*, September 27, 2024; "Israeli military says half the leadership from Hamas' military wing eliminated," Reuters, July 16, 2024. Israel reportedly killed another 1,000 militants inside Israel on October 7, 2023.

¹⁴ Chantal Da Silva, "Who are the American hostages still held by Hamas?" NBC News, September 23, 2024.

¹⁵ "Who are the hostages freed during the Israel-Hamas conflict?" CNN, August 27, 2024; Erin Banco, "Gaza hostage talks hit roadblock, raising fears of prolonged captivity" *Politico*, December 7, 2023.

¹⁶ Da Silva, "Who are the American hostages still held by Hamas?"

¹⁷ Reportedly, "There are seven hostages with dual US-Israeli citizenship; four of them have been declared dead." "Father of US-Israeli hostage denies American families pushing Biden to make separate deal," *Times of Israel*, September 5, 2024.

¹⁸ Da Silva, "Who are the American hostages still held by Hamas?" Hamas also holds two hostages and the bodies of two slain Israeli soldiers from before October 7.

¹⁹ Noa Shpigel, "Netanyahu Reportedly Tells MKs Half the Hostages Held by Hamas in Gaza Are Alive," *Haaretz*, September 22, 2024.

²⁰ UN-OCHA, "Humanitarian Situation Update #224 | Gaza Strip," September 30, 2024; "Reported impact snapshot | Gaza Strip," October 2, 2024.

²¹ FEWS NET, Gaza Strip Targeted Analysis, August 2024, published September 26, 2024.

²² UN-OCHA, "Humanitarian Situation Update #224 | Gaza Strip," September 30, 2024.

²³ WHO, "Around 560 000 children vaccinated in first round of polio campaign in Gaza," September 13, 2024.

winter approaches, UN officials have said that "flooding in or near displacement sites and medical points will increase the risk of disease spread and further shrink access to healthcare and sanitation."²⁴

Obstacles to transporting aid through crossings and Israeli checkpoints and safely delivering it to Gazans have contributed to high levels of food insecurity. In a May 2024 report to Congress (according to a document released online by an advocacy group stating that it is a copy), the Department of State said, "During the period since October 7, and particularly in the initial months, Israel did not fully cooperate with USG efforts and USG-supported international efforts to maximize humanitarian assistance flow to and distribution within Gaza. There were numerous instances during the period of Israeli actions that delayed or had a negative effect on the delivery of aid to Gaza."²⁵ The report also noted with concern Israeli strikes on humanitarian workers and facilities, including an April I Israeli drone strike that killed seven humanitarian workers from the World Central Kitchen organization (including a U.S. citizen); the Israeli government described that strike as a "grave mistake." In June, Secretary of State Antony Blinken said that Israel had taken some steps to address obstacles to aid delivery, while calling on it to do more. Israeli officials have stated that they have not limited aid, instead placing responsibility for delays on security-related issues (such as looting) and UN distribution problems. In Israeli and aid providers face in coordinating and deconflicting activities.

Damage and estimated costs. According to one economist, "Rebuilding Gaza could cost far more than \$80 billion, when taking into account hidden expenses like the long term impact of a labor market devastated by death, injury and trauma." More than 60% of residential buildings in Gaza have reportedly been damaged or destroyed. Meanwhile, Israel's central bank has estimated (before the September escalation in Lebanon) that the war could cost Israel \$67 billion through 2025, and Israel's gross domestic product has reportedly contracted 4.1% since October 7.32

Impact on Gaza and international responses. Casualties, widespread damage and destruction, and a precarious humanitarian situation in Gaza during Israeli military operations have fueled charged international debates and regional reactions that often sharply criticize Israel, seek punitive measures, and/or call for an end to conflict.

• In January 2024, the **International Court of Justice** (ICJ) found that it had jurisdiction over allegations by South Africa that Israel may have committed acts of genocide. In May, during continuing deliberations on the case, the ICJ ordered Israel to, among other things, immediately "halt its military offensive, and any other action in the Rafah Governorate [at the southern tip of Gaza], which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part."³³ The ICJ does not have an

²⁴ UN-OCHA, "Humanitarian Situation Update #223 | Gaza Strip," September 27, 2024.

²⁵ Just Security, "State Department Submits Key Report to Congress on Israel's Use of US Weapons," May 10, 2024.

²⁶ Department of State, "Secretary Antony J. Blinken At the 'Call for Action: Urgent Humanitarian Response for Gaza' Conference," June 11, 2024.

²⁷ Israeli Coordination of Government Activities in the Territories "Food and food security in the Gaza Strip—response to IPC report," at https://govextra.gov.il/media/ns2jsy0f/cogat-assessment-food-and-food-security-in-the-gaza-strip-response-to-ipc-report-1.pdf.

²⁸ Mehul Srivastava and Neri Zilber, "Israeli air strike on Gaza aid convoy kills at least 4 Palestinians," *Financial Times*, August 30, 2024.

²⁹ Daniel Egel of the RAND Corporation, cited in Fadwa Hodali et al., "Gaza Reduced to 42 Million Tonnes of Rubble. What Will It Take to Rebuild?" Bloomberg, August 15, 2024.

³⁰ UN-OCHA, "Reported impact snapshot | Gaza Strip," October 2, 2024.

³¹ Rachel Chason, "As the war widens and costs mount, Israel's economy is in 'serious danger," Washington Post, September 27, 2024.

³² Dana Stroul, "Israel and Hezbollah Are Escalating Toward Catastrophe," Foreign Affairs, September 23, 2024.

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), May 24, 2024. For more detail on the ICJ, see CRS Report R48004, *The International Court of Justice and the International Criminal Court: A Primer*, by Karen Sokol.

- enforcement mechanism, and Israel insisted that its operations did not "risk the destruction of the Palestinian civilian population."³⁴
- In May 2024, **International Criminal Court** (ICC) Prosecutor Karim Khan applied for arrest warrants for alleged war crimes against top Israeli and Hamas leaders, including Prime Minister Netanyahu, triggering strong denunciations from Biden Administration and Israeli leaders who insist that the ICC has no jurisdiction in the matter, and efforts by some Members of Congress to advance sanctions legislation against ICC officials.³⁵
- The UN Security Council has adopted four resolutions since October 7 that have called for pauses to the conflict, the release of all hostages, and urgent efforts to expand the flow of humanitarian aid and reinforce the protection of civilians in Gaza. The United States abstained from the first three and voted for the fourth in June, which urged both Israel and Hamas to implement a three-phase cease-fire proposal (discussed below).

Regional sentiment and Israel-Arab state relations. The regional reaction to Israel's military operations in Gaza has been predominantly negative.³⁷ Nevertheless, no Arab country with either peace treaties or normal diplomatic relations with Israel has suspended its treaty or severed diplomatic ties. U.S. negotiations with Saudi Arabia over a series of security and other agreements intended to incentivize Saudi diplomatic normalization with Israel were put on hold following the October 7 attacks and onset of the Israel-Hamas war, but resumed in 2024, with the U.S. Ambassador to Saudi Arabia referring to some possible progress in August.³⁸ In September 2024, Saudi Crown Prince Mohammed bin Salman said, "The kingdom will not stop its tireless work towards the establishment of an independent Palestinian state with East Jerusalem as its capital, and we affirm that the kingdom will not establish diplomatic relations with Israel without that." Later that month, the Saudi foreign minister announced the launch of a new joint Arab-European initiative to garner support for a two-state solution.

Cease-Fire Talks

After a number of efforts to reach a multi-week Israel-Hamas cease-fire, President Joe Biden announced on May 31, 2024, that Israel had offered a three-phase cease-fire proposal, and expressed U.S. support for continued Egyptian-Qatari mediation to achieve it:⁴¹

³⁴ "Israel Insists Rafah Operation Does Not Risk 'Destruction of Palestinians," Agence France Presse, May 24, 2024.

³⁵ CRS Insight IN12366, *Israel and Hamas: Possible International Criminal Court (ICC) Arrest Warrants*, by Matthew C. Weed and Jim Zanotti. See H.R. 8282 and S. 224.

³⁶ Resolution 2712 (November 15, 2023), Resolution 2720 (December 22, 2023), Resolution 2728 (March 25, 2023), and Resolution 2735 (June 10, 2024).

³⁷ Laura Kelly, "Arab world holds overwhelmingly negative view of the US over support for Israel: Poll," *The Hill*, February 8, 2024.

³⁸ Abdulhadi Habtor, "Ratney: US Expediting Strategic Agreements with Saudi Arabia," *Asharq Al-Awsat*, August 26, 2024. See also, CRS Report R48162, *Possible U.S.-Saudi Agreements and Normalization with Israel: Considerations for Congress*.

³⁹ "Saudi Arabia will not recognise Israel without Palestinian state, says Crown Prince," Reuters, September 18, 2024.

 $^{^{\}rm 40}$ Joseph Haboush, "Saudi Arabia announces new global coalition to establish Palestinian state," *Al Arabiya*, September 27, 2024.

⁴¹ White House, "Remarks by President Biden on the Middle East" and "Background Press Call on President Biden's Remarks on the Middle East," May 31, 2024. An unofficial version of the Israeli proposal is available at (continued...)

- **Phase 1.** A six-week cease-fire, during which Israel and Hamas would negotiate the terms of advancing to Phase 2. Other features included Israel military withdrawal from densely populated areas of Gaza, a limited hostage-prisoner exchange, a surge in humanitarian aid, and the return of Gazan civilians to their home areas.
- **Phase 2.** Hostage-prisoner exchange for all living hostages, Israeli military withdrawal from Gaza, and "permanent cessation of hostilities" so long as Hamas keeps its commitments.
- Phase 3. Major Gaza reconstruction plan would begin.

U.S. efforts to promote this proposed cease-fire agreement have not resulted in a deal to date. Hamas supposedly indicated a possible willingness to consider the proposal in a July response. Later that month, Prime Minister Netanyahu's office stated that he continued to insist on the following four principles as part of any cease-fire, perhaps partly due to influence from ultranationalist members of his coalition who could trigger new Israeli elections:

- 1. Any deal will allow Israel to resume fighting until all [objectives] of the war have been achieved.
- 2. There will be no smuggling of weapons to Hamas from Egypt to the Gaza border.
- 3. There will be no return of thousands of armed terrorists to the northern Gaza Strip.
- 4. Israel will maximize the number of living hostages who will be released from Hamas captivity. $^{\rm 43}$

Various July 2024 strikes and attacks, including the killings of top Hamas leaders Ismail Haniyeh in Iran and Muhammad Deif in Gaza, may have complicated the course of cease-fire talks.⁴⁴

In an apparent effort to close gaps between Israel and Hamas, in August the White House announced that "the United States with support from Egypt and Qatar, presented to both parties a bridging proposal that is consistent with the principles laid out by President Biden on May 31, 2024." Both Israel and Hamas have reportedly resisted various proposals, and there appears to be division within the Israeli government over how to prioritize war aims. On the issue of a continued Israeli military presence at the Philadelphi Corridor along Gaza's border with Egypt, Netanyahu and Defense Minister Gallant appeared at odds in September—with Netanyahu insisting that Israel needs to maintain control of the Corridor, and Gallant reportedly saying that prioritizing the Corridor "at the cost of the lives of the hostages is a moral disgrace." A White

https://www.timesofisrael.com/full-text-of-israeli-hostage-release-ceasefire-proposal-submitted-on-may-27/. An Israeli official acknowledged agreeing to the proposal in early June, while saying Israel's conditions for ending the conflict were unchanged. Christina Lamb, "Netanyahu aide brands Biden peace plan a 'political speech," *Sunday Times* (UK), June 2, 2024.

⁴² Jon Gambrell, "Gaza destruction likely helped push Hamas to soften cease-fire demands, several officials say," Associated Press, July 8, 2024.

⁴³ Israeli Prime Minister's Office, "Prime Minister's Office Statement," July 7, 2024.

⁴⁴ Peter Baker, "Assassinations in Middle East Scramble Biden's Hopes for Peace," New York Times, August 1, 2024.

⁴⁵ White House, "Joint Statement from the United States, Egypt, and Qatar," August 16, 2024. See also, White House, "Background Press Call on Ceasefire Negotiations and Joint Statement from the Leaders of the United States, Egypt, and Qatar," August 16, 2024; Barak Ravid, "U.S. puts new proposal on table to try to close Gaza deal gaps," Axios, August 16, 2024.

⁴⁶ Israeli Prime Minister's Office, "PM Netanyahu's Remarks from his Press Conference," September 3, 2024; "Gallant said to call Philadelphi demand a 'disgrace,' drawing fury from PM, ministers," *Times of Israel*, September 2, 2024.

House spokesperson called Hamas leader Yahya Sinwar "the big obstacle" to a deal, saying, "It's tough to get him to say yes to things that he's already said he wants."

Israel-Egypt Tensions over Gaza-Egypt Border

In May 2024, Israel reportedly gained control of Gaza's nine-mile border with Egypt, also known as the Philadelphi (or Salah al Din) Corridor.⁴⁸ Israel's seizure of this area has heightened bilateral tensions with Egypt and seemingly exacerbated Egyptian security concerns, including in relation to troop deployments per the longtime Israel-Egypt peace treaty.⁴⁹ Israeli authorities cited in May said that controlling the corridor is essential to prevent Hamas from accessing weapons and contraband they say have long been smuggled into Gaza from Egypt,⁵⁰ despite Egyptian officials' insistence that their forces had previously cut off smuggling routes.⁵¹ As domestic Israeli debate on the subject intensified in September, some Israeli officials or former officials were cited as saying that in the wake of Egyptian anti-smuggling efforts, most of Hamas's weapons were locally made, and most smuggling came via sea or above ground at the Rafah (Egypt-Gaza) or Kerem Shalom (Israel-Gaza) crossings.⁵²

Although Prime Minister Netanyahu's office has insisted that Israel will not withdraw from the corridor in connection with a possible cease-fire,⁵³ some media outlets have reported that Israel and Egypt have discreetly discussed a possible Israeli withdrawal if Egypt will agree to anti-smuggling measures including security cameras, electronic sensors, and/or an underground barrier.⁵⁴ Some reports suggest that Egypt might seek U.S. funding and support to install any such measures.⁵⁵

Gaza Transition Planning

U.S. officials have sought to work with Israeli and Palestinian leaders and some Arab governments to plan for a transition of governance and security in Gaza. Any such effort is likely to face tensions between Palestinian aspirations for self-governance and statehood, and demands by Israel for security from future threats. One media outlet has expressed skepticism "that there will be a clear line between war and its aftermath," describing a number of political, security, and logistical obstacles to preventing a Hamas resurgence, establishing law and order, and enacting long-term recovery for Gazan civilians.⁵⁶ Such challenges may resemble those that Israel, Palestinians, and other international actors faced after the four previous Israel-Hamas conflicts in 2008-2009, 2012, 2014, and 2021—though on a significantly greater scale.

⁴⁷ Greta Reich, "Hamas' Sinwar is 'big obstacle' in cease-fire talks, John Kirby says," *Politico*, September 22, 2024.

⁴⁸ "Israel's military says it's taken control of a strategic corridor along Gaza's border with Egypt," Associated Press, May 29, 2024.

⁴⁹ Jared Malsin and Summer Said, "Israel's Rafah Offensive Puts Egypt in a Dangerous Bind," *Wall Street Journal*, May 30, 2024.

⁵⁰ Steven Erlanger et al., "Condemnation Slows, but Does Not Stall, Israel's Assault on Rafah," *New York Times*, May 25, 2024; Benny Avni, "Jerusalem-Cairo Relations in Jeopardy Over Disagreements Regarding Gaza and the Hamas War," *New York Sun*, May 13, 2024.

⁵¹ "Egypt replies to 'false Israeli allegations' about smuggling weapons through borders with Gaza," *Egypt Today*, April 22, 2024.

⁵² Vivian Yee et al., "How Control of One Gaza Border Has Stalled a Cease-Fire and Upset Egypt," *New York Times*, September 14, 2024.

^{53 &}quot;Netanyahu's office denies report Israel open to pullout from Gaza-Egypt border," Times of Israel/Reuters, July 12, 2024.

⁵⁴ Patrick Kingsley et al., "Israel Is in Talks to Withdraw from the Egyptian Border, Officials Say," *New York Times*, July 16, 2024; Barak Ravid, "Israel toughens Gaza ceasefire demands just as optimism for deal growing," Axios, July 11, 2024

⁵⁵ Rina Bassist, "Are Israel, Egypt inching closer to deal on Gaza's Philadelphi Corridor?" *Al-Monitor*, July 24, 2024; "Netanyahu's office denies report Israel open to pullout from Gaza-Egypt border," *Times of Israel*/Reuters; "Report: Egypt will work with US to build underground barrier at Gaza border if deal reached," *Times of Israel*, July 8, 2024.

⁵⁶ "Optimistic plans for post-war Gaza have little basis in reality," *Economist*, July 18, 2024.

The Biden Administration has publicly expressed hope that a cease-fire could eventually facilitate the orderly handover of governance to a "reformed" PA and "an over the horizon process that includes a vision for a demilitarized Palestinian state." The Administration has also asserted that Arab states open to relations with Israel have a key role to play in post-conflict transition efforts, and that addressing Palestinian aspirations is necessary to securing their involvement. West Bank-based PA President Mahmoud Abbas said in September 2024 that the PA is willing to exercise full jurisdiction over Gaza—which Hamas forcibly seized from the PA in 2007—as part of a broader plan that would include holding "an international peace conference ... within a year to implement a two-state solution." The League of Arab States has publicly called for the withdrawal of Israeli forces from Gaza and "irreversible steps" toward a two-state solution. While Hamas might disclaim formal governing responsibilities in Gaza, some observers expect it may seek to intimidate the PA or any potential alternative entity in hopes of maintaining indirect control. The U.S. Security Coordinator for Israel and the PA (USSC), a multilateral mission headed by a three-star U.S. flag officer, could conceivably conduct training in Jordan or the West Bank for a local Palestinian force for Gaza.

Prime Minister Netanyahu has insisted 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. He has publicly rejected having the PA replace Hamas in Gaza, arguing that the PA enables terrorism against Israel rhetorically and financially. In his July 2024 speech to a joint session of Congress, Netanyahu said that Israel does not seek to resettle Gaza, but "must retain overriding security control" for the "foreseeable future," while also stating that "Gaza should have a civilian administration run by Palestinians who do not seek to destroy Israel."

U.S. Foreign Aid and Arms Sales to Israel

In the immediate aftermath of the Hamas-led October 7 attacks against Israel, President Biden announced that his Administration would surge "additional military assistance, including ammunition and interceptors to replenish Iron Dome" so that "Israel does not run out of these critical assets to defend its cities and its citizens." (See **Table 1** for recent U.S. aid to Israel.)

⁵⁹ "President Abbas at UN General Assembly: We demand suspension of Israel's UN membership," WAFA News Agency, September 26, 2024.

⁵⁷ U.S. Embassy in Israel, "Ambassador Lew's Remarks to the National Israel Mission of the Conference of Presidents," February 18, 2024.

⁵⁸ Ibid.

⁶⁰ Bahrain News Agency, "Bahrain Declaration of 33rd Arab Summit issued," May 17, 2024.

⁶¹ "Optimistic plans for post-war Gaza have little basis in reality," *Economist*. Matthew Levitt, "What Hamas Wants in Postwar Gaza," *Foreign Affairs*, May 10, 2024.

⁶² Neri Zilber, "Israel tests Hamas-free 'bubbles' plan for post-war Gaza," *Financial Times*, July 1, 2024. For background on the USSC and U.S. security assistance for the PA, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

⁶³ Israeli Prime Minister's Office, "Statement by PM Netanyahu," January 21, 2024. See also, Andrew Carey, "Israeli lawmakers vote overwhelmingly against Palestinian statehood, challenging US policy," CNN, July 18, 2024.

⁶⁴ Benjamin Netanyahu, "Israel's Three Prerequisites for Peace," *Wall Street Journal*, December 26, 2023; Jacob Magid, "Netanyahu privately showing openness to PA involvement in postwar Gaza—officials," *Times of Israel*, July 2, 2024. The PA and Palestine Liberation Organization have made payments for decades to alleged militants and their families that many U.S. and Israeli officials and lawmakers argue provide incentives for terrorism against Israel, while the PA has also engaged in regular security coordination with Israel and the United States since 2007 to counter Hamas and other militants in the West Bank.

⁶⁵ Israeli Prime Minister's Office, "PM Netanyahu's Address to a Joint Meeting of the US Congress," July 24, 2024.

⁶⁶ White House, "Remarks by President Biden on the Terrorist Attacks in Israel," October 10, 2023.

President Biden's order resulted in (as of August 2024) over 500 aircraft deliveries and 107 sea shipments to Israel of over 50,000 tons of munitions and weapons systems.⁶⁷ Amongst the U.S. defense articles delivered to Israel, the United States shipped (as of June 2024) 14,000 MK-84 2,000-pound bombs; 6,500 500-pound bombs; 3,000 Hellfire precision-guided air-to-ground missiles; 1,000 bunker-buster bombs; and 2,600 air-dropped small-diameter bombs.⁶⁸

Table 1. U.S. Foreign Aid to Israel: Appropriations Since March 2024

(in millions of current U.S. dollars)

Law	Foreign Military Financing	Missile Defense	Missile Defense - Iron Beam	Other
P.L. 118-50, Division A—Israel Security Supplemental Appropriations Act, 2024	\$3,500.00	\$4,000.00	\$1,200.00	n/a
P.L. 118-47, Further Consolidated Appropriations Act, 2024	\$3,300.00	\$500.00	n/a	\$95.50
P.L. 118-42, Consolidated Appropriations Act, 2024	n/a	n/a	n/a	\$13.00
Total	\$6,800.00	\$4,500.00	\$1,200.00	\$108.50

Source: Congress.gov.

Note: The "Other" column includes Department of Defense appropriations for counter-tunnel and counter-drone programs, U.S. contributions to binational foundations, and support for migrants.

When U.S. resupply operations began in October 2023, President Biden emphasized "the critical need for Israel to operate by the laws of war. That means protecting civilians in combat as best as they can." In January 2024, as the war continued and Palestinian civilian casualties mounted, the United States and Israel set up a bilateral channel to investigate reports of civilian harm. To

Then, amidst continued international scrutiny of Israel's conduct during the war, the Biden Administration took additional 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 National Security Memorandum (an executive branch policy document, not standing U.S. law) that required 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. It also required that in any area where such defense articles are used, the "recipient country will facilitate and not arbitrarily deny, restrict, or otherwise impede the transport or delivery" of humanitarian assistance.⁷¹ NSM-20 also required the Secretaries of

⁶⁷ Yonah Jeremy Bob, "US sends 500th aircraft to Israel as airlifts of weapons, equipment continue," *Jerusalem Post*, August 26, 2024.

⁶⁸ Humeyra Pamuk and Mike Stone, "US has sent Israel thousands of 2,000-pound bombs since Oct. 7," Reuters, June 28, 2024.

⁶⁹ White House, "Remarks by President Biden on the United States' Response to Hamas's Terrorist Attacks Against Israel and Russia's Ongoing Brutal War Against Ukraine," October 20, 2024.

⁷⁰ "Gaza: US sets up channel with Israel seeking answers on civilian casualties," Reuters, January 25, 2024.

⁷¹ White House, "National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services," February 8, 2024. Section 620I of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2378-1) says that "[n]o assistance shall be furnished under this chapter or the Arms Export Control (continued...)

State and Defense to assess for Congress whether U.S. defense articles have been used after the memorandum's issuance in a manner not consistent with international law. In late March, Israel provided its recipient country assurances to the United States.

Following the issuance of NSM-20, there was continued scrutiny from some lawmakers, ⁷² additional reports of U.S. munitions used in airstrikes which resulted in Palestinian and other civilian casualties, ⁷³ and Israel's errant April 1 targeting of World Central Kitchen aid workers. In April, President Biden reportedly toughened his calls for increased humanitarian access and protection of aid workers. ⁷⁴ During his April 4 phone call with Prime Minister Netanyahu, according to the White House readout, President Biden "made clear that U.S. policy with respect to Gaza will be determined by our assessment of Israel's immediate action" on steps to address civilian harm, humanitarian suffering, and the safety of aid workers. ⁷⁵ Some analysts assessed that President Biden had implicitly threatened "to slow U.S. arms transfers to Israel or to temper U.S. support at the U.N." if Israel did not take certain steps. ⁷⁶

In May 2024, the Administration released its report to Congress under Section 2 of NSM-20, concluding (according to a document released online by an advocacy group stating that it is a copy) that "given Israel's significant reliance on U.S.-made defense articles, it is reasonable to assess that defense articles covered under NSM-20 have been used by Israeli security forces since October 7 in instances inconsistent with its IHL [International Humanitarian Law] obligations or with established best practices for mitigating civilian harm." Despite the concerns raised, the report, as it appeared online, assessed Israel's March assurances (along with those of the other countries covered in the report) to be "credible and reliable so as to allow the provision of defense articles covered under NSM-20 to continue."

Also in May, after Israel launched major ground operations in Rafah, U.S. officials confirmed reports that the Administration was "reviewing some near-term security assistance" for Israel and had paused a shipment of 2,000-pound and 500-pound bombs, based on concern about their potential use in Rafah.⁷⁸ Though the Administration later released the shipment of 500-pound bombs, as of July 2024, it was reportedly continuing to review the 2,000-pound bomb shipment.⁷⁹

In August 2024, during a congressional recess, the Administration formally notified Congress of five potential Foreign Military Sales (FMS) to Israel for over \$20 billion, including

- up to 50 new F-15IA fighter aircraft and F-15 upgrades (\$18.82 billion);
- 32.739 120 mm tank rounds (\$774.1 million):

Act [22 U.S.C. 2751 et seq.] to any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance."

⁷² Senator Chris Van Hollen, "Van Hollen, Schatz, Colleagues Press Administration on Concerns with New Arms Sales to Netanyahu Government, Request Assurances Prior to Proceeding," February 23, 2024.

⁷³ Stephen Semler, "Gaza breakdown: 20 times Israel used US arms in likely war crimes," *Responsible Statecraft*, Quincy Institute for Responsible Statecraft, August 25, 2024.

⁷⁴ Yasmeen Abutaleb, "Biden cease-fire push falters again after new demand by Hamas," *Washington Post*, September 7, 2024.

⁷⁵ White House, "Readout of President Joe Biden's Call with Prime Minister Netanyahu of Israel," April 4, 2024.

⁷⁶ "Biden ultimatum to Netanyahu: protect Gaza civilians, or else," Reuters, April 5, 2024.

⁷⁷ Just Security, "State Department Submits Key Report to Congress on Israel's Use of US Weapons," May 10, 2024.

⁷⁸ Department of Defense, "Pentagon Press Secretary Air Force Maj. Gen. Pat Ryder Holds a Press Briefing," May 9, 2024.

⁷⁹ Nancy A. Youssef and Jared Malsin, "U.S. Agrees to Ship 500-Pound Bombs," Wall Street Journal, July 11, 2024.

- modified Medium Tactical Vehicles (\$583.1 million);
- 30 Advanced Medium Range Air-to-Air Missiles (AMRAAM) (\$102.5 million); and
- 50,000 120 mm high explosive mortar rounds (\$61.1 million).80

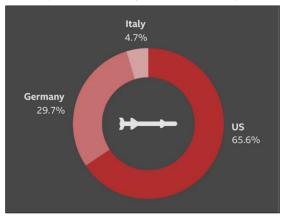
On September 25, 2024, Senator Bernie Sanders introduced six joint resolutions of disapproval, or JRDs (S.J.Res. 111, S.J.Res. 112, S.J.Res. 113, S.J.Res. 114, S.J.Res. 115, and S.J.Res. 116). Five of these JRDs correspond to the five FMS sales mentioned above;⁸¹ a sixth resolution corresponds to a Direct Commercial Sale (DCS) to Israel of Joint Direct Attack Munitions, or JDAMs.⁸² Per Section 36(b)(2) of the Arms Export Control Act, Senate consideration of the JRDs

shall receive expedited congressional consideration⁸³ when the Senate reconvenes in November 2024. According to media reports, foreign affairs committee leaders in the House and Senate, after a period of consideration, signed off on the FMS sales mentioned above in summer 2024.⁸⁴

Also on September 25, Senate Minority Leader Mitch McConnell and Senator Tom Cotton wrote a letter to President Biden saying, "We have reason to believe your administration is currently delaying" three weapons sales to Israel, including MK-84 bombs, Apache attack helicopters, and Caterpillar D9 tractors.⁸⁵

On September 26, Israeli officials said that they agreed with U.S. counterparts on technical details for the use of \$8.7 billion in

Figure 2. Who Supplies Arms to Israel?
(% of Total Weapons Sold to Israel)



Source: Stockholm International Peace Research Institute, estimated volume of major arms transfers, 2013-2023.

U.S. assistance on various U.S., Israeli, and coproduced weapons systems. ⁸⁶ As **Table 1** indicates, via P.L. 118-50, Congress appropriated \$8.7 billion in security assistance for Israel.

Multiple countries (e.g., the United Kingdom and Canada) have suspended or reduced some of their arms exports to Israel over the past year. Over the past decade, the United States and Germany have been Israel's main weapons suppliers (see **Figure 2**). In September 2024, media reports noted that Germany has put a hold on approving new weapons export licenses to Israel until it can resolve legal challenges contesting that Germany's arms exports to Israel violate international humanitarian law.⁸⁷

⁸⁰ See https://www.dsca.mil/tags/israel.

⁸¹ Senators Peter Welch, Jeff Merkley, and Brian Schatz have each cosponsored one or more of the JRDs.

⁸² Senator Bernie Sanders, "Sanders and Colleagues Move to Block Arms Sales to Israel," September 25, 2024.

⁸³ See CRS In Focus IF10392, Foreign Military Sales Congressional Review Process, by Paul K. Kerr.

⁸⁴ Robert Jimison, "After Delay, Top Democrats in Congress Sign Off on Sale of F-15 Jets to Israel," *New York Times*, June 17, 2024.

⁸⁵ Senator Tom Cotton, "Cotton, McConnell to President Biden: Weapons Delays Cost Lives and Embolden Iran," September 25, 2024.

⁸⁶ "Israel says it has secured \$8.7 billion U.S. aid package," Reuters, September 26, 2024.

⁸⁷ "Germany has stopped approving war weapons exports to Israel, source says," Reuters, September 19, 2024.

Humanitarian Assistance to Gaza

Prior to enacting P.L. 118-50, Congress deliberated about the scope and conditions of humanitarian assistance for Gaza. Some Members called for a halt to humanitarian aid in Gaza and/or greater monitoring, ⁸⁸ while others called for additional aid. ⁸⁹ As of September 2024, the United States has announced more than \$1 billion in aid for emergency relief efforts in the region since October 2023. ⁹⁰ In April, P.L. 118-50 appropriated more than \$9 billion in supplemental global humanitarian assistance. President Biden said that \$1 billion of this amount will be for Palestinians in Gaza. ⁹¹ Provisions accompanying FY2024 regular and supplemental appropriations for Gaza include certification, reporting, and other oversight mechanisms aimed at preventing aid diversion, misuse, or destruction.

Temporary U.S. Dock and Pier (May-July 2024)

In line with an announcement in President Biden's March State of the Union address, the U.S. military built a temporary dock and pier at the Gaza coast that started receiving international aid shipments via Cyprus in May, without having U.S. troops go onshore. Some aid reached warehouses of the World Food Program (WFP, the lead coordinator for aid delivery), but the flow of goods into Gaza was delayed on a number of occasions by weather and security problems before U.S. officials announced in July that the military would dismantle the pier. An August report from the U.S. Agency for International Development's (USAID) Office of the Inspector General (OIG) estimated the construction cost to be \$230 million, and said multiple USAID staff had expressed concerns that the maritime mission—which operated for a total of 20 days and, according to the OIG, fell short of its goal for food delivery by approximately 70%—would detract from USAID's "advocacy for opening land crossings, which were seen as more efficient and proven methods of transporting aid into Gaza." 4

In January, after allegations emerged that some employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) may have been 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. ⁹⁵ 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.

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⁸⁸ House Foreign Affairs Committee, "Committee Republicans Demand Answers After Reports of UNRWA Aid Ending Up in Hamas' Hands," January 17, 2024.

⁸⁹ Senator Bob Casey, "Casey Urges President Biden to Do More to Address Famine in Gaza," March 19, 2024; 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.

⁹⁰ U.S. Agency for International Development (USAID), "The United States Announces Nearly \$336 Million in Humanitarian Assistance to Support Palestinians in Gaza and the West Bank," September 30, 2024.

⁹¹ White House, "Remarks by President Biden on the Passage of H.R. 815," April 24, 2024.

⁹² White House, "Remarks by President Biden in State of the Union Address," March 7, 2024.

⁹³ "US military pier for carrying aid to Gaza will be dismantled after weather and security problems," Associated Press, July 17, 2024.

⁹⁴ OIG USAID, USAID's Gaza Response: External Factors Impaired Distribution of Humanitarian Assistance Through the JLOTS Maritime Corridor, August 27, 2024.

⁹⁵ CRS Insight IN12316, *The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Overview and U.S. Funding Prohibition*, by Rhoda Margesson and Jim Zanotti.

Author Information

Jim Zanotti Specialist in Middle Eastern Affairs Jeremy M. Sharp Specialist in Middle Eastern Affairs

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