

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

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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 at least 35 U.S. citizens in Israel) were killed on October 7, and Hamas and other groups also seized some 255 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 over nearly 10 months has posed major challenges for U.S. policymakers.

Conflict, humanitarian situation, and international action. In the conflict to date, more than 39,000 Palestinians in Gaza have been killed, according to the Hamas-controlled health ministry there. Additionally, about 1.9 million 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. The Integrated Food Security Phase Classification assessed in June that increases in assistance since March helped temporarily avoid famine in Gaza, but warned that 96% of Gazans would likely experience crisis or worse levels of acute food insecurity through September, and that any significant change in humanitarian access could lead to famine.

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 who argue that the ICC has no jurisdiction in the matter, 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 whether and how these objectives can be achieved separately or together, if at all. 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. The legislation also includes provisions aimed at preventing the \$1 billion of humanitarian aid intended for Gaza from diversion, misuse, or destruction.

The Administration increased criticism of Israel during the first half of 2024, in apparent connection with Israel’s prosecution of the war, questions regarding the achievability of the Israeli government’s stated objectives, and the conflict’s impact on Palestinian civilians. 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. It is unclear whether regional tensions connected to various July 2024 strikes and attacks, including the reported killings of top Hamas leaders Ismail Haniyeh in Iran and Muhammad Deif in Gaza, might affect the prospects for a cease-fire deal. 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.

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. Israeli Prime Minister Benjamin 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.” His stated unwillingness to date to embrace a PA role in Gaza or a two-state pathway may stem in part from demands by the ultra-nationalist figures from his coalition who could trigger new Israeli elections. Nevertheless, some reports suggest he may be open to working with U.S. and some Arab state counterparts on a plan to stabilize Gaza that could involve international backing for a reformed PA.

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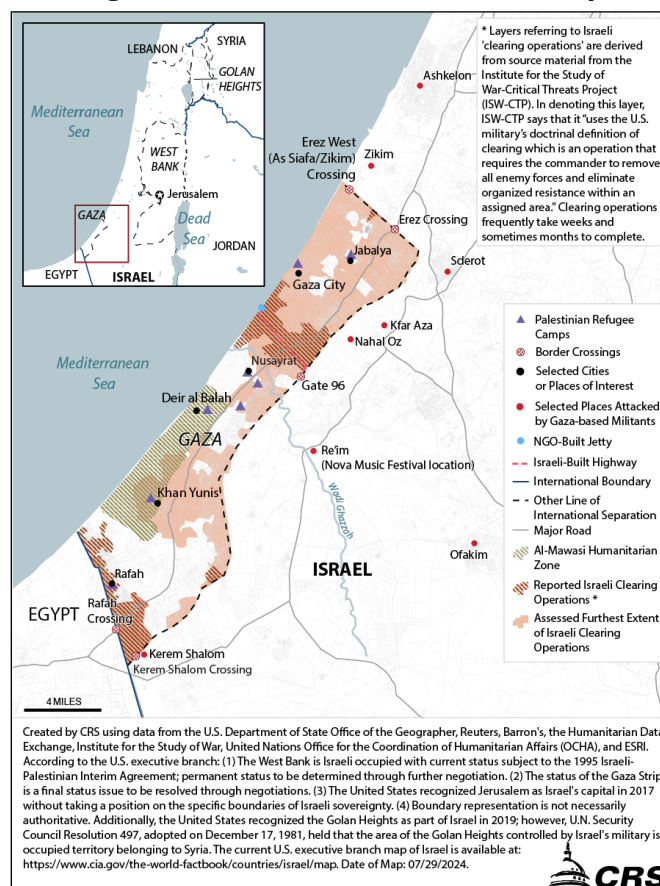
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Overview

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.¹ 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.² Israeli officials may have missed signals, over-relied on technological solutions, overestimated their own defense capabilities, and/or misread Hamas’s intentions and capabilities.³

Figure 1. Israel and Gaza: Conflict Map



The ongoing conflict has presented several challenges for U.S. policy in the Middle East. These include how to bolster Israel’s security from threats posed by Iran-supported actors near its

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.

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 reach a cease-fire agreement that secures the return of hostages (including U.S. citizens) under circumstances agreeable to Israel and Hamas, 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

Since October 7, various Iran-backed groups in the region have targeted Israel, U.S. forces, and commercial shipping while expressing solidarity with Hamas. Additional CRS products address various conflicts ensuing between Israel (with some help from the United States, other Western partners, and some Arab states) and Iran and its allies in Lebanon, Yemen, Syria, and Iraq.⁵ For information on regional tensions connected to July strikes that killed civilians in the Golan Heights, as well as senior Hamas and Hezbollah leaders in Iran and Lebanon, respectively, see CRS Insight IN12398, *Israel, Iran, Hamas, and Lebanese Hezbollah: Various Strikes amid Regional Turmoil*, by Jim Zanotti and Clayton Thomas.

Conflict and Humanitarian Situation: Key Points and International Action

Israel's effort to defeat Hamas. Israeli Prime Minister Benjamin Netanyahu has repeatedly stated that Israel seeks “total victory” over Hamas,⁶ including by destroying Hamas's military and governing capabilities in Gaza and recovering all hostages. Debate has ensued among Israeli officials and citizens about whether and how these Israeli war aims complement or conflict with one another and can be achieved separately or together, if at all.

Impact on Gaza and international responses. Casualties, widespread damage and destruction, and a precarious humanitarian situation in Gaza during Israeli military operations (see text box below) 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, the **International Court of Justice (ICJ)** found that it had jurisdiction over allegations by South Africa that Israel may have committed acts of genocide. On May 24, during continuing deliberations on the case, the 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”; “maintain open” the crossing between Egypt and Rafah for “unhindered provision at scale of urgently needed basic

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 IN12391, *Israel and Houthis in Yemen: Attacks Highlight Regional Conflict Risks*, coordinated 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 in Rafah: ‘Only the military pressure will help us advance the hostages deal,’” July 18, 2024.

services and humanitarian assistance” to Palestinians in Gaza; and ensure unimpeded access for U.N.-related inquiries regarding genocide allegations.⁷ The ICJ does not have an enforcement mechanism, and Israel insisted that its operations did not “risk the destruction of the Palestinian civilian population.”⁸

- On May 20, **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.⁹
- The **U.N. 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.¹⁰ 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).

Humanitarian Assistance: Delivery Challenges and U.S. Steps

General background. The humanitarian impact of conflict in Gaza on Palestinian civilians has been dire, with about 1.9 million of Gaza’s some 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.¹¹ Obstacles to transporting aid through crossings and Israeli checkpoints and then safely delivering it have contributed to high levels of food insecurity. In a May 10, 2024 report to Congress, the Department of State said that there have been numerous instances of “Israeli actions that delayed or had a negative effect on the delivery of aid to Gaza,” particularly in the initial months of conflict, with the report citing a lack of clarity or standardization in the Israeli inspection process, military strikes in areas of humanitarian movement or deconfliction, and some Israeli officials’ encouragement of Israeli civilian protestors blocking or attacking convoys.¹² Israeli officials have stated that they are not limiting aid, instead placing responsibility for delays on security-related issues (such as looting) and U.N. distribution problems.¹³

A March report from the Integrated Food Security Phase Classification (IPC, an early warning and classification system that tracks trends and determines the severity of food insecurity) warning that “famine is imminent,”¹⁴ and Israeli strikes that caused fatalities among aid workers and other civilians, appeared to influence U.S. demands on Israel to boost assistance deliveries and improve deconfliction. The United States and other countries also began taking steps to augment humanitarian aid to Gaza via airdrops and a planned maritime corridor.¹⁵ U.N. officials said that to deliver large volumes of assistance, “there is no meaningful substitute to the many land routes and

⁷ 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.

⁸ “Israel Insists Rafah Operation Does Not Risk ‘Destruction of Palestinians,’” Agence France Presse, May 24, 2024.

⁹ 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.

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

¹¹ United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), “Humanitarian Situation Update #197 | Gaza Strip,” July 29, 2024; “Reported impact snapshot | Gaza Strip,” July 31, 2024.

¹² Just Security, “State Department Submits Key Report to Congress on Israel’s Use of US Weapons,” May 10, 2024.

¹³ 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>.

¹⁴ IPC - Special Brief, *The Gaza Strip*, March 18, 2024 (based on data as of March 10, 2024); See also, IPC, “Fact Sheet – The IPC Famine,” March 2024.

¹⁵ Department of Defense, “Pentagon Press Secretary Air Force Maj. Gen. Pat Ryder Holds a Press Briefing,” March 8, 2024; “UN uses new land route from Israel to reach northern Gaza,” Reuters, March 12, 2024.

entry points from Israel into Gaza.”¹⁶ According to the May 10 Department of State report, Israel had “substantially increased humanitarian access and aid flow into Gaza, reaching significantly higher levels that require continued upward trajectory to meet immense needs.”¹⁷

Recent efforts, disruptions, and June IPC assessment. In May, hostilities significantly disrupted activity at crossings into southern Gaza. Since then, Egypt has been unwilling to allow aid shipped through its territory to go through the Rafah crossing while Israeli forces remain on the Gaza side of the border,¹⁸ requiring that aid instead go into Gaza via Israel’s Kerem Shalom crossing.¹⁹ Regarding continued obstacles to transporting piled-up food aid in Gaza to places where needy populations can access it, media reports highlight opposing narratives: U.N. officials and aid providers point to complications and delays in coordination with Israel, while arguing that Israel bears ultimate responsibility for Gaza’s population; Israeli officials emphasize that the U.N. has not increased its capabilities.²⁰ In July, Israel approved the U.N.’s use of more armored vehicles and personal protection equipment, and the U.N. is apparently working with Gazans in efforts to establish policing and general order sufficient for deliveries to increase.²¹ Commercial truck operators that (unlike the U.N.) are permitted to pay for armed guards have reportedly had some success at delivering goods within southern Gaza, though at inflated costs that significantly affect affordability.²² Taken together, two June documents from the IPC assessed that increases in assistance since the March report helped temporarily avoid famine in Gaza, but warned that 96% of Gazans would likely experience crisis or worse levels of acute food insecurity through September, and that any significant change in humanitarian access could lead to famine.²³

U.S. dock and pier. 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.²⁴ Some aid has reached warehouses of the WFP (the lead coordinator for aid delivery from the pier), but the flow of goods to the pier and into Gaza was delayed on a number of occasions by weather and security problems.²⁵ As U.S. officials announced on July 17 that the military would dismantle the pier, they said that costs of the maritime mission would come in under their initial \$230 million estimate, and that the pier had helped transport enough assistance—once fully delivered to access points—to feed 450,000 people for one month.²⁶ U.S. officials also stated that maritime shipments from Cyprus will continue via a dedicated pier in Ashdod, Israel, to be transported from there by truck into Gaza.²⁷

Casualties and hostages. Reportedly, as of July 31, 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 39,000 Palestinians in Gaza have been killed, and at least 329 Israeli soldiers

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

¹⁷ Just Security, “State Department Submits Key Report to Congress on Israel’s Use of US Weapons.”

¹⁸ Hamza Hendawi, “Egypt refuses to reopen Rafah crossing while Israel controls its Gaza side,” *The National* (UAE), May 16, 2024.

¹⁹ Officials from Israel, Egypt, and the United States have reportedly discussed options for reopening the Rafah crossing by potentially having one or more third parties acceptable to all three countries operate the Gaza side of the crossing. Barak Ravid, “U.S., Egypt and Israel to meet to discuss Gaza border security,” *Axios*, May 30, 2024. Reportedly, the Palestinian Authority (PA) insists that any arrangement involving PA authorities at the crossing allow official rather than informal participation, but Israeli Prime Minister Netanyahu apparently has objected to that. Barak Ravid, “Scoop: U.S., Israel, Palestinian Authority hold secret talks on Rafah crossing,” *Axios*, July 17, 2024.

²⁰ Greg Myre and Aya Batrawy, “Food aid is piling up inside Gaza,” *NPR*, July 15, 2024.

²¹ “Israel allows UN to bring in more equipment amid Gaza lawlessness,” *Reuters*, July 15, 2024.

²² “Feeding Gaza: Traders run gauntlet of bullets, bombs and bribes,” *Reuters*, July 4, 2024.

²³ IPC, *Famine Review Committee: Gaza Strip, June 2024; Gaza Strip: IPC Acute Food Insecurity Special Snapshot | 1 May - 30 September 2024*, June 25, 2024.

²⁴ White House, “Remarks by President Biden in State of the Union Address,” March 7, 2024.

²⁵ “US military pier for carrying aid to Gaza will be dismantled after weather and security problems,” *Associated Press*, July 17, 2024.

²⁶ Department of Defense, “Defense Officials Hold a News Briefing via Teleconference on Humanitarian Assistance to Gaza,” July 17, 2024; U.S. Agency for International Development (USAID), “U.S. Humanitarian Maritime Pier Delivers Nearly 20 Million Pounds of Aid to Gaza,” July 17, 2024.

²⁷ *Ibid.*

have died in battle since Israel's military began ground operations in Gaza.²⁸ Israel claims it has killed around 14,000 of Hamas's some 25,000 fighters, and half the leadership of its military wing.²⁹ Hamas and other groups reportedly seized some 255 Israeli and foreign national hostages on October 7, including some Americans.³⁰ To date, around 116 hostages have been returned alive from Gaza, many in exchange for 250 Palestinian prisoners during a week-long November 2023 pause in fighting.³¹ Some 111 hostages (including some U.S. citizens) reportedly remain in Gaza, though at least 39 of these are presumed dead.³²

U.S.-Israel Cooperation and Tensions

The United States has provided 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 regarding the achievability of the Israeli government's stated objectives, and greater casualty counts and reported humanitarian challenges among Palestinian civilians.³³ 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.

Ongoing Conflict

Since May, Israel's military has conducted sustained ground operations in Rafah and seized control of the border with Egypt (see text box below). Most of Rafah's inhabitants, including nearly a million displaced Gazans previously sheltering there, have relocated to other areas of central and southern Gaza. Reports indicate that Israel revised its battle plans for Rafah to reduce risks to civilians in densely populated areas, partly due to pressure from the Biden Administration.³⁴ Netanyahu stated in late June that high-intensity Israeli military operations in Gaza were nearing completion.³⁵ Nevertheless, during a July 18 visit to troops in Rafah he advocated placing additional military pressure on Hamas in hopes of securing better terms for the release of hostages.³⁶ Netanyahu's domestic popularity remains in question, as some Israelis seek more urgent efforts to finalize a cease-fire deal involving the return of hostages.³⁷

²⁸ UN-OCHA, "Humanitarian Situation Update #197 | Gaza Strip," July 29, 2024; "Reported impact snapshot | Gaza Strip," July 31, 2024; Department of State, "Secretary Antony J. Blinken at a Press Availability," Tel Aviv, Israel, November 3, 2023. Palestinian casualty figures, which presumably include combatants and civilians, come from the Hamas-controlled health ministry in Gaza.

²⁹ Matthew Mpoke Bigg, "Israel Gives an Indication of the War's Toll on Hamas," *New York Times*, July 17, 2024.

³⁰ Israeli Prime Minister's Office, "PM Netanyahu's Address to a Joint Meeting of the US Congress," July 24, 2024.

³¹ "Who are the released hostages?" BBC, June 8, 2024; Erin Banco, "Gaza hostage talks hit roadblock, raising fears of prolonged captivity" *Politico*, December 7, 2023.

³² "US official says hostage deal close as Netanyahu set to meet Biden, Harris Thursday," *Times of Israel*/Reuters, July 25, 2024. Of eight Americans, three are presumed dead. American Jewish Committee, "Meet the Eight American Hostages Still Held by Hamas," June 6, 2024.

³³ "Read the Full Transcript of President Joe Biden's Interview with TIME," *Time*, June 4, 2024.

³⁴ Michael R. Gordon and Dov Lieber, "How Israel Avoided Biden's Red Line," *Wall Street Journal*, June 2, 2024.

³⁵ "PM says open to partial pause and hostage deal but war won't end until Hamas destroyed," *Times of Israel*, June 24, 2024.

³⁶ Israeli Prime Minister's Office, "PM Netanyahu in Rafah: 'Only the military pressure will help us advance the hostages deal,'" July 18, 2024.

³⁷ "Netanyahu is in Washington at a fraught time for Israel and the US," Associated Press, July 23, 2024.

Israel-Egypt Tensions over Gaza-Egypt Border

In late May, Israel reportedly gained control of Gaza's nine-mile border with Egypt, also known as the Philadelphi (or Salah al Din) Corridor.³⁸ 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.³⁹ Israeli authorities say that controlling the corridor is essential to prevent Hamas from accessing weapons and contraband they say have long been smuggled into Gaza from Egypt,⁴⁰ despite Egyptian officials' insistence that their forces had previously cut off smuggling routes.⁴¹

Although Prime Minister Netanyahu's office has insisted that Israel will not withdraw from the corridor in connection with a possible cease-fire,⁴² 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.⁴³ Some reports suggest that Egypt might seek U.S. funding and support to install any such measures.⁴⁴

Cease-Fire Proposal and Talks

After a number of failed efforts to reach a multi-week Israel-Hamas cease-fire, President Biden announced on May 31 that Israel had offered a three-phase cease-fire proposal with the following terms, and expressed U.S. support for continued Egyptian-Qatari mediation to achieve it:⁴⁵

- **Phase 1.** A six-week cease-fire, during which Israel and Hamas would negotiate the terms of advancing to Phase 2. If they do not get to Phase 2, the cease-fire would persist as long as negotiations continue. Phase 1 would include Israeli military withdrawal from all populated areas of Gaza, a limited hostage-prisoner exchange (including American hostages), 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, and all remains of deceased hostages would be returned.

³⁸ "Israel's military says it's taken control of a strategic corridor along Gaza's border with Egypt," Associated Press, May 29, 2024.

³⁹ Jared Malsin and Summer Said, "Israel's Rafah Offensive Puts Egypt in a Dangerous Bind," *Wall Street Journal*, May 30, 2024.

⁴⁰ 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.

⁴¹ "Egypt replies to 'false Israeli allegations' about smuggling weapons through borders with Gaza," *Egypt Today*, April 22, 2024.

⁴² "Netanyahu's office denies report Israel open to pullout from Gaza-Egypt border," *Times of Israel/Reuters*, July 12, 2024.

⁴³ 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.

⁴⁴ 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.

⁴⁵ White House, "Remarks by President Biden on the Middle East," May 31, 2024. An unofficial version of the Israeli proposal is available at <https://www.timesofisrael.com/full-text-of-israeli-hostage-release-ceasefire-proposal-submitted-on-may-27/>.

Some sticking points appear to have obstructed a deal to date. Initially, Hamas insisted that any cease-fire involving the release of hostages be permanent and include a full Israeli withdrawal from Gaza.⁴⁶ Amid reports that Hamas's leadership may be under pressure to end the conflict from its own military commanders,⁴⁷ Hamas has supposedly indicated a possible willingness to soften its stances.⁴⁸ In July, Netanyahu's office stated that he continued to insist on the following four principles as part of any cease-fire, perhaps partly as domestic political benchmarks to prevent ultra-nationalist members of his government coalition from trying to disband the coalition in the event of an agreement to pause hostilities:

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.⁴⁹

Open sources have reported on debate over the extent to which these points and reportedly associated demands represent a significant hardening of Israel's position or are more accurately portrayed as typical of shifts both parties have made in connection with changing circumstances during various rounds of talks.⁵⁰ With Israel's Knesset scheduled to remain in recess until October 27, ultra-nationalist opponents would reportedly have difficulty collapsing the government if a cease-fire takes place before then.⁵¹

It is unclear whether regional tensions connected to various July 2024 strikes and attacks, including the reported killings of top Hamas leaders Ismail Haniyeh in Iran and Muhammad Deif in Gaza, might affect the prospects for—and timing and terms of—a cease-fire deal.⁵²

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.⁵³ 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.

⁴⁶ “Hamas says it ‘positively’ views Gaza ceasefire proposal set out by Biden,” Reuters, May 31, 2024.

⁴⁷ Alex Marquardt, “CIA director says Hamas leader is facing growing pressure from his own commanders to end Gaza war,” CNN, July 16, 2024.

⁴⁸ Jon Gambrell, “Gaza destruction likely helped push Hamas to soften cease-fire demands, several officials say,” Associated Press, July 8, 2024.

⁴⁹ Israeli Prime Minister's Office, “Prime Minister's Office Statement,” July 7, 2024.

⁵⁰ Rina Bassist, “Netanyahu, Hamas trade blame on cease-fire as far-right mob storms Israeli bases,” *Al-Monitor*, July 29, 2024.

⁵¹ “Netanyahu will make speech to Congress as optimism for a ceasefire in Gaza rises,” CNN, July 23, 2024.

⁵² Peter Baker, “Assassinations in Middle East Scramble Biden's Hopes for Peace,” *New York Times*, August 1, 2024.

⁵³ “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” Palestinian Authority (PA) and “an over the horizon process that includes a vision for a demilitarized Palestinian state.”⁵⁴ West Bank-based PA President Mahmoud Abbas said in November 2023 that the PA would govern Gaza—which Hamas forcibly seized from the PA in 2007—only in the context of significant progress toward establishing a Palestinian state in the West Bank and Gaza that has a capital in East Jerusalem.⁵⁵

Prime Minister Netanyahu—perhaps partly influenced by ultra-nationalists in his coalition—has 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.⁵⁶ For months, he has publicly rejected having the PA replace Hamas in Gaza, arguing that the PA enables terrorism against Israel rhetorically and financially.⁵⁷ 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 there” for the “foreseeable future,” while also stating that “Gaza should have a civilian administration run by Palestinians who do not seek to destroy Israel.”⁵⁸

According to one source, U.S.-Israel back-channel talks with the United Arab Emirates (UAE) are exploring the viability of having a reformed PA solicit military and intelligence support from a range of Arab and non-Arab states to help gradually stabilize Gaza, with possible U.S. command-and-control and logistical support from a base in Egypt.⁵⁹ Reportedly, the UAE wants Israel to refrain from undermining “this Gaza effort by making provocative moves in the West Bank that could explode the security situation there.”⁶⁰ 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 and/or the West Bank for a local Palestinian force for Gaza.⁶¹

While Hamas might disclaim formal governing responsibilities in Gaza, some observers expect it may seek to intimidate or use force against the PA or any potential alternative entity in hopes of maintaining indirect control.⁶² Hamas and its rival faction Fatah (headed by PA President Abbas) issued a joint statement in July (mediated by the People’s Republic of China) expressing their

⁵⁴ U.S. Embassy in Israel, “Ambassador Lew’s Remarks to the National Israel Mission of the Conference of Presidents,” February 18, 2024.

⁵⁵ “Receiving US State Secretary, President Abbas demands immediate end to Israel’s aggression on Gaza,” WAFA News Agency, November 5, 2023.

⁵⁶ Israeli Prime Minister’s Office, “Statement by PM Netanyahu,” January 21, 2024. The Knesset passed a resolution in July 2024, with support from some lawmakers outside of the Netanyahu-led coalition. The resolution opposes “the establishment of a Palestinian state west of the Jordan (river).” Andrew Carey, “Israeli lawmakers vote overwhelmingly against Palestinian statehood, challenging US policy,” CNN, July 18, 2024.

⁵⁷ 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.

⁵⁸ Israeli Prime Minister’s Office, “PM Netanyahu’s Address to a Joint Meeting of the US Congress,” July 24, 2024.

⁵⁹ David Ignatius, “UAE tries for an ‘Abraham Redux,’” *Washington Post*, July 24, 2024.

⁶⁰ Ibid.

⁶¹ 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.

⁶² “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.

intent to form a consensus PA governing arrangement for Gaza and West Bank; several similar statements dating back to 2011 have not produced lasting changes in the factional rift.⁶³

Issues for Congress

U.S. Arms Sales to Israel

Since October 7, the Biden Administration has approved and/or expedited a large, but unspecified number, of arms sales to Israel. In contrast to routinely publishing U.S. security cooperation “fact sheets” that summarize recent aid for Ukraine,⁶⁴ the Department of State’s Bureau of Political-Military Affairs has not published a summary regarding assistance for Israel since October 2023.⁶⁵ However, according to one media report citing unnamed U.S. senior officials, there have been numerous weapons shipments, including (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.⁶⁶ In sum, U.S. officials claim that since October 7, the United States has provided Israel with \$6.5 billion worth of security assistance.⁶⁷ In March 2024, one report noted that during this time the Administration had approved and delivered over 100 separate U.S. Foreign Military Sales (FMS) cases to Israel.⁶⁸

Until recently, most 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 threshold⁶⁹ for transfers to Israel.⁷⁰ The Administration formally notified Congress of two FMS cases, both under emergency circumstances, therefore bypassing regular congressional review notice periods.⁷¹ Other cases have been “informally notified”⁷² to the foreign affairs committees, such as one reportedly for 50 F-15 combat aircraft and associated

⁶³ Christian Shepherd, “China Brokers Palestinian Unity Declaration in Bid to Be Global Mediator,” *Washington Post*, July 22, 2024. Annual appropriations provisions prohibit U.S. aid for any entity effectively controlled by Hamas, any power-sharing government of which Hamas is a member, or that results from an agreement with Hamas and over which Hamas exercises undue influence.” See, for example, Section 7040(f)(1) of P.L. 118-147.

⁶⁴ For example, see Department of State, “U.S. Security Cooperation with Ukraine, Fact Sheet,” May 10, 2024.

⁶⁵ Department of State, “U.S. Security Cooperation with Israel,” October 19, 2023.

⁶⁶ Humeyra Pamuk and Mike Stone, “US has sent Israel thousands of 2,000-pound bombs since Oct. 7,” *Reuters*, June 28, 2024.

⁶⁷ *Ibid.*

⁶⁸ John Hudson, “U.S. floods arms into Israel despite mounting alarm over war’s conduct,” *Washington Post*, March 6, 2024.

⁶⁹ 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.

⁷⁰ See, Jared Malsin and Nancy A. Youssef, “How the U.S. Arms Pipeline to Israel Avoids Public Disclosure,” *Wall Street Journal*, March 6, 2024.

⁷¹ See footnote 69. Defense Security Cooperation Agency, “Israel—M830a1 120mm Tank Cartridges,” December 9, 2023; and “Israel – 155mm Artillery Ammunition,” December 29, 2023.

⁷² The Department of State (on behalf of the President) submits to the Senate Foreign Relations Committee and House Foreign Affairs Committee an informal notification of a prospective major arms sale before the executive branch takes further formal action. See, CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Paul K. Kerr.

munitions for \$18 billion,⁷³ and another for \$1 billion for tank ammunition, tactical vehicles, and mortar rounds.⁷⁴ According to June 2024 reports, committee leaders have signed off on the F-15 sale, enabling the Administration to formally notify Congress at its choosing.⁷⁵

In May 2024, 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.⁷⁶ As of July, the Administration has continued to review the 2,000-pound bomb shipment, while permitting delivery of the 500-pound bombs. According to one U.S. official, “Our main concern had been and remains the potential use of 2,000-pound bombs in Rafah and elsewhere in Gaza.... Because our concern was not about the 500-pound bombs, those are moving forward as part of the usual process.”⁷⁷

National Security Memorandum-20

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 (an executive document, not standing law). 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. It also requires 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.⁷⁸ In late March, Israel provided those assurances to the United States. NSM-20 also required the Secretaries of State and Defense to assess for Congress whether U.S. defense articles have been used in a manner not consistent with international law. In May 2024, the Administration released its report to Congress under Section 2 of NSM-20 concluding, according to a copy released online by an advocacy group, 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.”⁷⁹ Despite the concerns raised, according to this release, the report 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.” Section 9012 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2025 (H.R. 8771, passed by the House in June 2024) would prohibit Department of State funds appropriated by the bill to be used to administer or enforce NSM-20.

Congress appears divided over the President’s weapons pause, with some lawmakers expressing agreement with the President’s decision⁸⁰ and others complaining that it affects the “timely delivery of security assistance to Israel.”⁸¹ In May 2024, the House passed H.R. 8369, the Israel

⁷³ Lara Seligman, Joe Gould, and Paul McLeary, “US weighs selling new fighter jets, missiles and guidance kits to Israel,” *Politico*, April 1, 2024.

⁷⁴ Nancy A. Youssef and Jared Malsin, “Biden Moves Forward on \$1 Billion in New Arms for Israel,” *Wall Street Journal*, May 14, 2024.

⁷⁵ Robert Jimison, “After Delay, Top Democrats in Congress Sign Off on Sale of F-15 Jets to Israel,” *New York Times*, June 17, 2024.

⁷⁶ Department of Defense, “Pentagon Press Secretary Air Force Maj. Gen. Pat Ryder Holds a Press Briefing,” May 9, 2024.

⁷⁷ Nancy A. Youssef and Jared Malsin, “U.S. Agrees to Ship 500-Pound Bombs,” *Wall Street Journal*, July 11, 2024.

⁷⁸ White House, “National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services,” February 8, 2024.

⁷⁹ Just Security, “State Department Submits Key Report to Congress on Israel’s Use of US Weapons,” May 10, 2024.

⁸⁰ For example, see Sen. Tim Kaine, “Kaine Statement on Biden Administration Withholding Offensive Weapons Transfer to Israel,” May 8, 2024.

⁸¹ For example, see Speaker of the House Mike Johnson, “Speaker Johnson, Leader McConnell: ‘Security Assistance to (continued...)’

Security Assistance Support Act, which, among other things, would prohibit FY2024 or earlier funds from being used to withhold defense items/services to Israel. It also would withhold funds from the Secretary of Defense, Secretary of State, and the National Security Council until U.S. officials can certify that items/services withheld from Israel had been delivered. In June, the House passed H.R. 8771 and H.R. 8774 (the Department of Defense Appropriations Act, 2025), both of which would mandate the delivery of any withheld defense article/service to Israel. According to one report, Israel has asked some Members of Congress to “fast track” the arms sales process for weapons it has requested.⁸²

U.S. Foreign Assistance to Israel

As lawmakers have scrutinized U.S. arms sales to Israel, some have focused on how Congress may or may not condition, restrict, or halt U.S. foreign aid to Israel. Some lawmakers have focused on the application of Section 620M of the Foreign Assistance Act of 1961 (codified as 22 U.S.C. §2378d), as amended, otherwise known informally as the “Leahy Law.” The Leahy Law prohibits the furnishing of assistance to any foreign security force unit where there is credible information that the unit has committed a gross violation of human rights. In May 2024, several Senators wrote to the Secretaries of State and Defense, expressing concern that “successive administrations have neglected to implement the Leahy Law in Israel.”⁸³ In light of deteriorating humanitarian conditions in Gaza, some lawmakers have called on President Biden to apply Section 620I of the Foreign Assistance Act of 1961 (FAA), which prohibits providing certain assistance to foreign countries that block or impede delivery of U.S. humanitarian assistance.⁸⁴ 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 foreign terrorist organizations such as Hamas and Hezbollah.⁸⁵

In recent months, Congress has enacted over \$12.6 billion in direct Department of State and Defense regular and supplemental appropriations for Israel for FY2024 and FY2025 (see **Table 1**). Lawmakers did not impose any conditions limiting the use of U.S. weaponry in Rafah or elsewhere.⁸⁶

Israel is an Urgent Priority That Must Not Be Delayed,” May 8, 2024. See also, Rep. Josh Gottheimer, “Gottheimer, Golden Lead 26 Democratic Members of Congress Urging NSA Jake Sullivan to Deliver Security Aid to Democratic Ally Israel,” May 10, 2024.

⁸² Joe Gould and Erin Banco, “Israel privately pressures Biden admin to fast-track more weapons during Netanyahu visit,” *Politico*, July 25, 2024.

⁸³ Sen. Peter Welch, “Welch Leads Colleagues Calling for Consistent Application of Leahy Law to the IDF,” May 7, 2024.

⁸⁴ Rep. Jason Crow, “Reps. Crow, Deluzio Lead 86 Members in Letter Urging Biden to Enforce U.S. Law & Policy Regarding US Humanitarian Aid to Gaza,” May 3, 2024.

⁸⁵ X, Speaker Mike Johnson (@SpeakerJohnson), “The President’s ultimatums should be going to Hamas, not Israel,” April 4, 2024, <https://twitter.com/SpeakerJohnson/status/1776046097086972393>.

⁸⁶ After 20 House Members voted against passage of H.R. 8034 (P.L. 118-50), they released a press statement explaining that “our votes against H.R. 8034 are votes against supplying more offensive weapons that could result in more killings of civilians in Rafah and elsewhere. We believe strongly in Israel’s right to self-defense and have joined colleagues previously in affirming our shared commitment.” See, Rep. Becca Balint, “Statement from Castro [et al.] on the Israel Security Supplemental,” April 20, 2024.

Table I. Recent U.S. Foreign Aid to Israel

(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**Notes:** 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.

Humanitarian Assistance to Gaza

Congress has deliberated about the scope and conditions of humanitarian assistance for Gaza. Some Members have called for a halt to humanitarian aid in Gaza and/or greater monitoring of the risk of potential aid diversion by Hamas or other groups.⁸⁷ Other lawmakers have called for additional humanitarian aid for the Palestinians.⁸⁸ As of July 2024, the United States had committed around \$759.9 million in FY2024 aid for emergency relief efforts in the region since October 2023.⁸⁹ In April 2024, Congress appropriated more than \$9 billion in supplemental global humanitarian assistance in P.L. 118-50. President Biden has said that \$1 billion of these funds will be for humanitarian aid for Palestinians in Gaza.⁹⁰ Provisions accompanying FY2024 regular and supplemental appropriations for Gaza include certification, reporting, and other oversight mechanisms aimed at preventing aid diversion, misuse, or destruction.

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.⁹¹ 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.

⁸⁷ House Foreign Affairs Committee, “Committee Republicans Demand Answers After Reports of UNRWA Aid Ending Up in Hamas’ Hands,” January 17, 2024.

⁸⁸ Sen. 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.

⁸⁹ USAID, Levant Complex Emergency Fact Sheet #5, July 11, 2024.

⁹⁰ White House, “Remarks by President Biden on the Passage of H.R. 815,” April 24, 2024.

⁹¹ 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.

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