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

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

On October 7, 2023, the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) led surprise attacks against Israel from the Gaza Strip. The stunning nature, scope, and lethality of the attacks and apparent intelligence failures have become a subject of analysis for Israeli and U.S. officials. Iran reportedly provides material support to Hamas, and according to U.S. officials may be complicit in a broad sense, but President Joe Biden said in October “there is no evidence” that Iran helped plan the attack.

In response to the October 7 attacks, Israel declared war on Hamas and launched aerial bombardment and ground operations in Gaza. Reportedly, more than 1,200 Israelis and foreign nationals (including 35 U.S. citizens in Israel) and more than 27,000 Palestinians in Gaza have been killed as of February 5, 2024. Hamas and other groups also seized around 240 hostages on October 7. Israel and Hamas agreed to a multiday pause in fighting in late November. During the pause, 110 hostages held in Gaza and 250 Palestinian prisoners held by Israel were released. Hamas and others reportedly hold some 130 persons, including about six Americans. The United Nations has stated that the situation in Gaza, with an estimated 1.7 million Gazans displaced (out of a population of approximately 2.1 million people) constitutes a major humanitarian crisis—having already faced dire economic and humanitarian conditions before the conflict. Some goods are entering Gaza via Egypt and Israel, and U.S. and U.N. officials have sought to boost this aid. More than 60% of the housing units in Gaza have reportedly been destroyed or damaged.

Israeli Prime Minister Benjamin Netanyahu has consistently articulated Israeli goals of securing the hostages’ return and destroying Hamas’s military and governing capabilities. As tens of thousands of troops have withdrawn and military operations have decreased somewhat in intensity in early 2024, Israeli leaders continue debating the level and type of military pressure to apply and the urgency of a hostage-return deal. As of early January, the Israel Defense Forces (IDF) controls some areas above ground in northern Gaza, while it engages in operations farther south in an effort to target Hamas and its top leaders. Hamas’s tunnels make urban warfare more challenging. The Biden Administration has stated that Israel has the right to defend itself, and has resisted calls from other international actors for an indefinite cease-fire. However, U.S. leaders have urged Israel to minimize casualties and reduce the intensity of their operations, amid debate regarding how the prosecution of the conflict may affect long-term outcomes.

Differences between U.S., Israeli, and PA officials on post-conflict security and governance for Gaza may intensify the challenges involved. U.S. officials have expressed support for a resumption of PA administration 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 for them to cooperate with this transition. Netanyahu openly opposes a PA return to power in Gaza, and has pledged to continue insisting that Israel have full security control of “all territory west of the Jordan River,” asserting that his stance has prevented the establishment of a Palestinian state.

U.S. officials have sought to reduce risks that the conflict could expand geographically. In the West Bank, amid violence and tensions between Palestinians and Israelis that could affect stability there, the Administration has imposed sanctions on some extremist Israeli settlers, delayed a firearms shipment to Israel, and made efforts to persuade Israel to ease or end measures that have precipitously decreased the revenues of the West Bank-based Palestinian Authority (PA). Additionally, the Iran-backed Shia Islamist group Lebanese Hezbollah (another FTO) has exchanged fire with Israel and could create a second front at the Israel-Lebanon border. U.S. officials are reportedly seeking to help facilitate the withdrawal of Hezbollah forces from border areas to alleviate obstacles to the return of some 80,000 evacuated Israelis to their homes in the north. Israeli officials have threatened possible military action if the issue is not resolved diplomatically. As of early February, post-October 7 attacks by the Iran-supported Houthi militia in Yemen (targeting commercial vessels transiting the Bab al Mandab strait in the Red Sea) and by Iran-allied groups in Iraq and Syria (targeting U.S. forces in both countries and Jordan) have triggered strikes against these groups by the U.S. military.

In an October 2023 supplemental budget request, President Biden asked Congress to appropriate more than \$14 billion in Israel-related funding, and more than \$9 billion in global humanitarian assistance amounts that could partly be allocated for Gaza, the West Bank, and Israel. Members of Congress have expressed differing views on the request and its various elements, with bills introduced in early February in both the House and the Senate.

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## Conflict Overview

### Initial Attacks, Ongoing Conflict, and Humanitarian Crisis

On October 7, 2023, the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) led a series of surprise attacks from the Gaza Strip against Israel (see **Figure 1**). Palestine Islamic Jihad (or PIJ, another FTO) claimed that its forces also participated in the attacks, and other militants outside of Hamas and PIJ may also have joined. The assault targeted Israeli military bases and civilian areas during the final Jewish high holiday. The October 7 attacks' scope and lethality had no precedent in the 16 years since Hamas seized control of Gaza. The nature of the violence stunned Israelis and many others, and includes allegations of sexual violence.<sup>1</sup>

The apparent intelligence and operational failures in preventing the assault or limiting its impact have become a subject of debate in Israel and elsewhere. Some analysts have said that Israel may have missed signals, over-relied on technological solutions, and/or misread Hamas's intentions.<sup>2</sup>

Whether or not Iran had a role in the attack remains a question. Iran reportedly provides material support to Hamas, and according to U.S. officials may be complicit in a broad sense, but President Joe Biden said in October "there is no evidence" that Iran helped plan the attack.<sup>3</sup>

In response to the attacks, Israel's cabinet declared war on Hamas, and Prime Minister Benjamin Netanyahu formed an emergency unity government with an opposition party. Israel also initially halted supplies from Israeli territory to Gaza of electricity, food, and fuel. Since the outbreak of conflict, Israel and Egypt—via consultations with U.S. and U.N. officials—have coordinated the use of Egypt's Rafah crossing with Gaza, and later also Israel's Kerem Shalom crossing, to bring some international aid into the territory in a way that seeks to prevent diversion by Hamas.

Israel's military mobilized hundreds of thousands of troops, has bombarded targets in Gaza from the air, and undertaken ground operations as well. About 1.7 million of Gaza's roughly 2.1 million people have been displaced from their homes (some multiple times) and most face profound humanitarian challenges (discussed below). At various points in the conflict, Hamas and other Gaza-based militants have fired rockets indiscriminately into Israel. As of early February, the Israel Defense Forces (IDF) controls some areas above ground in northern Gaza, while it engages in operations farther south in an effort to target Hamas and its top leaders—including in Hamas's vast network of tunnels. Reportedly as of February 5, 2024, more than 1,200 Israelis and foreign nationals (including 35 U.S. citizens in Israel) and more than 27,000 Palestinians in Gaza had been killed, and over 60% of Gaza's housing units have been destroyed or damaged.<sup>4</sup>

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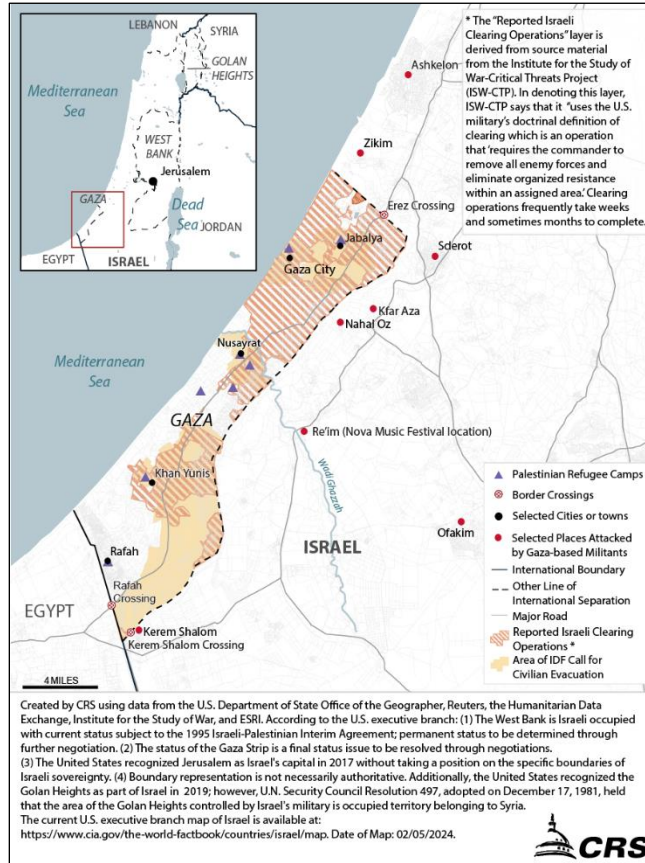
<sup>1</sup> Israeli Ministry of Foreign Affairs, "President Herzog reveals Hamas 'Captive Taking Handbook' in CNN interview," October 15, 2023; "Blinken calls sexual violence inflicted by Hamas 'beyond anything I've seen,'" CNN, December 10, 2023.

<sup>2</sup> Ronen Bergman and Adam Goldman, "Israel Knew Hamas's Attack Plan More Than a Year Ago," *New York Times*, November 30, 2023; Center for Strategic and International Studies, "Experts React: Assessing the Israeli Intelligence and Potential Policy Failure," October 25, 2023.

<sup>3</sup> Scott Pelley, "President Joe Biden: The 2023 60 Minutes interview transcript," CBS News, October 15, 2023; White House, "Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan," October 10, 2023. For more information on Hamas, its possible reasons for the attacks, and Iranian material support for Hamas, see CRS In Focus IF12549, *Hamas: Background, Current Status, and U.S. Policy*, by Jim Zanotti.

<sup>4</sup> United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), "Hostilities in the Gaza Strip and Israel | Flash Update #111," February 5, 2024; "Hostilities in the Gaza Strip and Israel - reported impact | Day 121," (continued...)

**Figure I. Israel and Gaza: Conflict Map**



Hamas and other groups reportedly seized around 240 Israeli and foreign national hostages on October 7, including some Americans. Recovering hostages has been a major Israeli and U.S. concern. Qatar, Egypt, and the United States facilitated a multiday pause in fighting between Israel and Hamas in the final week of November. During the pause, 110 hostages held in Gaza (including two U.S.-Israeli dual citizens) and 250 Palestinian prisoners held by Israel were released.<sup>5</sup> Hamas and other groups reportedly still hold around 130 persons in Gaza, including about six Americans, but reports suggest that some of these hostages could be dead.<sup>6</sup>

The conflict's impact on civilians has generated a humanitarian crisis. As of early February, U.N. and World Health Organization officials have raised many public health concerns associated with overcrowding; acute water, food, and fuel shortages; poor sanitation; and challenges to hospitals' safety and functionality.<sup>7</sup>

February 5, 2024; Department of State, "Secretary Antony J. Blinken at a Press Availability," Tel Aviv, Israel, November 3, 2023. Palestinian casualty figures and housing damage figures come from the Hamas-controlled health ministry and government media office in Gaza, respectively. Additionally, Israel reported that the bodies of around 1,500 dead militants had been found as of October 10 in southern Israeli areas recaptured by its military. More than 220 Israeli soldiers have been killed since Israel's military began ground operations in Gaza.

<sup>5</sup> Erin Banco, "Gaza hostage talks hit roadblock, raising fears of prolonged captivity" *Politico*, December 7, 2023. Four hostages (including two Americans) were released before the late November pause.

<sup>6</sup> Peter Sidel et al., "Hamas Took More Than 200 Hostages from Israel," *Wall Street Journal*, January 24, 2024. On December 15, Israeli forces killed three unarmed Israeli hostages who were attempting to surrender to them.

<sup>7</sup> UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #111," February 5, 2024.

Observers debate how to apportion blame between Israel and Hamas for dangers to civilians and the worsening of already dire humanitarian conditions in Gaza. While those faulting Israel argue that Israeli actions have inflicted casualties and limited life-sustaining supplies, those blaming Hamas assert that Hamas personnel in Gaza and other militants reportedly contribute to making civilian areas and facilities unsafe by operating in or near them.<sup>8</sup>

## Areas of Possible Conflict Expansion

Since the October 7 attacks, significant U.S. and international attention has focused on the extent to which conflict might expand in other areas of the region.

**West Bank.** Tensions and violence have continued between Palestinians and Israelis. West Bank-based officials from the **Palestinian Authority/Palestine Liberation Organization (PA/PLO)** appear to be in a difficult position. While they do not endorse Hamas, they have refrained from publicly condemning it, perhaps because of a perceived spike in West Bank Palestinian support for Hamas that may stem from Hamas's military actions, the prisoner releases it has secured, and civilian suffering in Gaza.<sup>9</sup> U.S. officials and lawmakers have signaled concerns related to Israeli actions in the West Bank that may affect stable living conditions for Palestinians. The Administration has imposed visa bans on some extremist Israeli settlers,<sup>10</sup> delayed a firearms shipment to Israel,<sup>11</sup> and has called on Israel to ease or end measures that have precipitously decreased PA revenues since October 7.<sup>12</sup> Additionally, in early February, President Biden issued an executive order authorizing "financial sanctions against those directing or participating in certain actions, including acts or threats of violence against civilians, intimidating civilians to cause them to leave their homes, destroying or seizing property, or engaging in terrorist activity in the West Bank";<sup>13</sup> and imposed sanctions on four individuals.<sup>14</sup>

**Iran-backed actors elsewhere.** Iran supports several non-state actors across the Middle East, and armed groups in Lebanon, Iraq, Syria, and Yemen expressing support for the October 7 attacks have attacked Israeli or U.S. positions. Israel has exchanged fire with the Shia Islamist group **Lebanese Hezbollah** (an FTO) and Palestinian militants across Israel's northern border with Lebanon. If these clashes escalate, Hezbollah's arsenal of some 150,000 missiles and rockets could pose a grave threat to Israeli strategic sites and population centers.<sup>15</sup> U.S. officials are reportedly seeking to broker a withdrawal of Hezbollah forces from border areas to facilitate the

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<sup>8</sup> See, for example, Michael Crowley and Edward Wong, "Under Scrutiny Over Gaza, Israel Points to Civilian Toll of U.S. Wars," *New York Times*, November 7, 2023.

<sup>9</sup> Palestinian Center for Policy and Survey Research, "Public Opinion Poll No. 90," published December 13, 2023.

<sup>10</sup> Department of State, "Announcement of Visa Restriction Policy to Promote Peace, Security, and Stability in the West Bank," December 5, 2023.

<sup>11</sup> Nancy A. Youssef and Vivian Salama, "Washington Is Blocking Shipment of Rifles to Israel," *Wall Street Journal*, December 14, 2023.

<sup>12</sup> Department of State, "Secretary Antony J. Blinken at a Press Availability," January 9, 2024; Letter dated December 20, 2023 from 12 Senators to President Biden, available at [https://www.heinrich.senate.gov/imo/media/doc/letter\\_to\\_potus\\_west\\_bank.pdf](https://www.heinrich.senate.gov/imo/media/doc/letter_to_potus_west_bank.pdf); "In 'frustrating' call, Biden said to tell PM to resolve Palestinian tax funds issue," *Times of Israel*, December 29, 2023.

<sup>13</sup> White House, "Statement from National Security Advisor Jake Sullivan on Action to Promote Peace, Security, and Stability in the West Bank," and "Executive Order on Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank," February 1, 2024.

<sup>14</sup> Department of State, "Announcement of Further Measures to Promote Peace, Security, and Stability in the West Bank," February 1, 2024.

<sup>15</sup> Yehoshua Kalisky, "Precision Missiles, UAVs, and Tens of Thousands of Fighters: Hezbollah's Order of Battle," Institute for National Security Studies, October 19, 2023.

return of an estimated 80,000 evacuated Israelis to their homes in the north.<sup>16</sup> Israeli officials have threatened wider military action to address the issue absent a diplomatic resolution.<sup>17</sup>

As of early 2024, post-October 7 attacks by the **Houthi militia in Yemen** have targeted shipping lanes that transit the Bab al Mandab strait—significantly disrupting maritime trade and triggering military responses from U.S. and United Kingdom forces.<sup>18</sup> **Groups in Iraq and Syria** have attacked U.S. forces stationed in the region over 160 times, including a January 29 drone attack in Jordan that killed three U.S. soldiers and injured more than 40. In early February, U.S. forces conducted additional retaliatory strikes against Iranian and Iran-backed forces in Iraq and Syria.<sup>19</sup>

## Political Developments

**Israel.** Israel’s “war management cabinet” includes key opposition figure Benny Gantz (a former defense minister and chief IDF commander) alongside Prime Minister Netanyahu and Defense Minister Yoav Gallant.<sup>20</sup> Netanyahu has consistently articulated Israeli goals of securing the hostages’ return and destroying Hamas’s military and governing capabilities.<sup>21</sup> As tens of thousands of troops have withdrawn and military operations have decreased somewhat in intensity in early 2024, Israeli leaders have debated how to proceed. Reportedly, Netanyahu, Gallant, and top military commanders refuse to leave Hamas in control of Gaza, and argue that continued military pressure—perhaps for a year or more—may be necessary to obtain hostages’ release.<sup>22</sup> Apparently Gantz and some non-voting observers in the war cabinet have expressed support for getting hostages released urgently given the dangers they face, even if it requires a lengthy cease-fire.<sup>23</sup>

Some analysts have questioned “whether Hamas can be toppled as Gaza’s governing and military power under the existing strategy.”<sup>24</sup> While the IDF estimates that some 10,000 out of 30,000 Hamas fighters have been killed, Hamas’s unconventional tactics and tunnel network have helped its resilience and allowed its most senior leaders to elude Israel.<sup>25</sup> Netanyahu has reportedly said that Israel might accept their expulsion, rather than their killing or capture.<sup>26</sup>

As of early February, negotiations are reportedly ongoing for a proposed hostage-prisoner exchange that could pause the fighting for several weeks or more. Israeli officials are apparently

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<sup>16</sup> “Warning of war, IDF says over 3,000 Hezbollah sites in Lebanon, Syria struck so far,” *Times of Israel*, February 4, 2024. U.S. officials also have said they hope that an easing of tensions could allow a return of displaced people from southern Lebanon (reportedly around 86,000) to their homes. Department of State, “Secretary Antony J. Blinken at a Press Availability,” January 9, 2024; “Israel and Lebanon are prepping for a war neither wants, but many fear it’s becoming inevitable,” Associated Press, February 1, 2024.

<sup>17</sup> Euan Ward et al., “Israel says it killed another Hezbollah commander after back-and-forth attacks,” *New York Times*, January 9, 2024.

<sup>18</sup> CRS Insight IN12301, *Houthi Attacks in the Red Sea: Issues for Congress*, by Christopher M. Blanchard.

<sup>19</sup> “U.S. launches strikes in Iraq, Syria, nearly 40 reported killed,” Reuters, February 3, 2024.

<sup>20</sup> Barak Ravid, “Israel’s Netanyahu forms unity government with ex-Defense Minister Gantz,” *Axios*, October 11, 2023; and Jeremy Sharon, “Netanyahu, Gantz agree to form emergency unity government,” *Times of Israel*, October 11, 2023.

<sup>21</sup> Israel Prime Minister’s Office, “Statement by PM Netanyahu,” January 18, 2024.

<sup>22</sup> Neri Zilber, “Can Israel achieve its war goals in Gaza?” *Financial Times*, January 30, 2024.

<sup>23</sup> *Ibid.*; “Eisenkot, Gantz said to urge hostage deal for long halt to war; PM, Gallant opposed,” *Times of Israel*, January 15, 2024.

<sup>24</sup> Zilber, “Can Israel achieve its war goals in Gaza?”

<sup>25</sup> *Ibid.*

<sup>26</sup> Michael Horovitz, “Expulsion of Hamas leaders from Gaza on the table, PM said to tell hostage families,” *Times of Israel*, January 3, 2024.

debating the specifics of the proposed exchange and how it might affect Israeli military operations, while Hamas may be bargaining for a cessation of hostilities.<sup>27</sup>

**Arab states.** Popular sentiment has placed pressure on Arab governments to oppose Israeli actions in Gaza,<sup>28</sup> even though many Arab leaders might welcome an end to Hamas rule there.<sup>29</sup> Together with other members of the Organization of Islamic Cooperation, Arab countries have called for an end to “Israeli aggression against the Gaza strip,” more humanitarian aid, and a freeze on international arms exports to Israel.<sup>30</sup>

**International organizations.** On November 15, the **U.N. Security Council** adopted Resolution 2712, which called for “urgent and extended humanitarian pauses” and the “immediate and unconditional release of all hostages held by Hamas and other groups,” and urged all parties to refrain from depriving civilians in Gaza of “basic services and humanitarian assistance indispensable to their survival.” On December 22, the Security Council adopted Resolution 2720, which called for “urgent steps to immediately allow safe, unhindered, and expanded humanitarian access and to create the conditions for a sustainable cessation of hostilities.” The United States abstained from both resolutions. On January 26, the **International Court of Justice** found that it had jurisdiction over allegations by South Africa that Israel may have committed acts of genocide, and ordered Israel (among other provisional measures) to prevent the commission of or incitement to genocide, to “enable the provision of urgently needed basic services and humanitarian assistance” to Palestinians in Gaza, and to report on its compliance with the Court’s order one month later.<sup>31</sup>

## U.S. Policy

### Israeli Military Operations

The U.S. government has stated its support for military operations by Israel to defend itself in line with international law, including in Gaza. President Biden, Secretary of State Blinken, Secretary of Defense Lloyd Austin, and other Administration officials have visited Israel and other countries in the region since the outbreak of conflict. U.S. officials have publicly opposed calls for an indefinite cease-fire, citing Israel’s right to defend itself.<sup>32</sup> Nevertheless, U.S. officials have voiced support for “humanitarian pauses” and additional hostage-prisoner exchanges.

While President Biden appears to broadly support Israel’s stated objectives of ending Hamas rule in Gaza, he and Administration officials have sought to convince their Israeli counterparts to take steps to minimize casualties, reduce the intensity of their operations, and step up humanitarian aid.<sup>33</sup> In early January, a National Security Council spokesperson said the Israeli goal of

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<sup>27</sup> “Hamas said to insist on deal that will end war, withdraw IDF troops from Gaza,” *Times of Israel*, February 4, 2024.

<sup>28</sup> Cathrin Schaefer, “Gaza conflict: Arab attitudes are hardening against Israel,” *Deutsche Welle*, December 20, 2023.

<sup>29</sup> “Many Arab governments would like to see Hamas gone,” *Economist*, November 16, 2023.

<sup>30</sup> “Arab-Islamic summit adopts resolution on Israeli aggression against the Palestinian people,” *Arab News*, November 12, 2023.

<sup>31</sup> ICJ Order, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, January 26, 2024.

<sup>32</sup> Biden, “The U.S. won’t back down from the challenge of Putin and Hamas.”

<sup>33</sup> White House, “Remarks by President Biden at a Hanukkah Holiday Reception,” December 11, 2023; White House, “Remarks by President Biden at a Campaign Reception,” December 12, 2023.



degrading Hamas's ability to carry out attacks inside Israel is attainable, but it is unlikely that Israel can eliminate the group and its ideology.<sup>34</sup>

## Potential Post-Conflict Scenarios

The Administration has been conferring with Israeli and PA officials on security and governance for Gaza after conflict ends or abates. Tensions between supporting domestically legitimate Palestinian self-rule and safeguarding Israel's capacity to monitor and stifle potential threats may intensify the challenges involved. In November, President Biden articulated the following principles:

To start, Gaza must never again be used as a platform for terrorism. There must be no forcible displacement of Palestinians from Gaza, no reoccupation, no siege or blockade, and no reduction in territory.... As we strive for peace, Gaza and the West Bank should be reunited under a single governance structure, ultimately under a revitalized Palestinian Authority, as we all work toward a two-state solution.... The international community must commit resources to support the people of Gaza in the immediate aftermath of this crisis, including interim security measures, and establish a reconstruction mechanism to sustainably meet Gaza's long-term needs.<sup>35</sup>

PA President Mahmoud Abbas has indicated that the PA would only govern Gaza—which Hamas forcibly seized from the PA in 2007—in the context of significant progress toward establishing a Palestinian state in the West Bank and Gaza, with a capital in East Jerusalem.<sup>36</sup> Secretary Blinken has indicated that such progress is unlikely to be easy or “happen overnight,”<sup>37</sup> and reportedly has tasked the State Department to evaluate options for implementing a two-state solution—with U.S. recognition of a Palestinian state as one possibility—“in a way that assures security for Israel.”<sup>38</sup> U.S. and PA officials have reportedly discussed possible mechanisms for improving PA leadership, and domestic legitimacy. Some leading Palestinian figures argue that the PA cannot be strengthened via reforms without Israel granting it greater control over its revenues and security.<sup>39</sup>

Prime Minister Netanyahu has insisted that only Israel can demilitarize Gaza, and openly opposes the PA returning, purportedly because of rhetorical and financial support he argues the PA provides for terrorism.<sup>40</sup> In January, after President Biden reiterated his commitment to an eventual two-state solution, Netanyahu pledged to continue insisting that Israel have full security control of “all territory west of the Jordan River,” and said that this stance has prevented the establishment of a Palestinian state.<sup>41</sup> Netanyahu may calculate that opposition to a two-state solution and PA rule in Gaza might rally domestic support for him and the ultra-nationalist figures in his government. The significant dip in Netanyahu's public approval rating since the October 7

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<sup>34</sup> White House, “Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby,” January 3, 2024.

<sup>35</sup> Joe Biden, “The U.S. won't back down from the challenge of Putin and Hamas,” *Washington Post*, November 18, 2023.

<sup>36</sup> Additionally, PA Prime Minister Muhammad Shtayyeh has reportedly said that the PA would be prepared to govern Gaza only if there is a complete Israeli military withdrawal. David S. Cloud, “Israel Eases Opposition to Palestinian Rule,” *Wall Street Journal*, December 22, 2023.

<sup>37</sup> Department of State, “Secretary Blinken's Remarks to the Press,” January 10, 2024.

<sup>38</sup> Barak Ravid, “Scoop: State Department reviewing options for possible recognition of Palestinian state,” *Axios*, January 31, 2024.

<sup>39</sup> “US wants shakeup of Palestinian Authority to run Gaza after Hamas,” *Reuters*, December 16, 2023.

<sup>40</sup> Benjamin Netanyahu, “Israel's Three Prerequisites for Peace,” *Wall Street Journal*, December 26, 2023.

<sup>41</sup> Israel Prime Minister's Office, “Statement by PM Netanyahu,” January 21, 2024.

attack could lead to his government's collapse and new Knesset elections sometime in 2024.<sup>42</sup> Prospects for any Hamas role in post-conflict PA governance, which some leading PA figures appear to be discussing, would likely encounter U.S. and Israeli opposition.<sup>43</sup>

Major U.S. policy issues related to post-conflict scenarios in Gaza could include the following:

- **Resolving potential differences between U.S., Israeli, and PA officials.** It is unclear whether or not the parties can move from the starting points discussed above to compromises on aspects of post-conflict governance and security.<sup>44</sup>
- **Role of PA security forces.** Reportedly, “U.S. and Palestinian officials have discussed a plan to retrain 1,000 former [PA] security forces officers in Gaza and a further 3,000 to 5,000 in the West Bank who would work in Gaza after the war,”<sup>45</sup> with training presumably under the auspices of the U.S. Security Coordinator for Israel and the Palestinian Authority (USSC).<sup>46</sup>
- **Arab states’ role.** Egypt, Jordan, and Arab Gulf states may be reluctant to help transition Gaza (by contributing troops, advisers, or funding) toward PA self-rule or help with reconstruction if doing so might be perceived domestically and internationally as enabling indefinite Israeli occupation. Thus, Arab state participation may depend on diplomatic progress toward Palestinian statehood.<sup>47</sup>

## U.S. Military Deployments

Since October 7, President Biden has positioned additional U.S. military assets and personnel to the Middle East in an apparent effort to support Israel and Arab partners, deter Iran and Iranian-supported groups from widening the war, and prepare for contingencies, such as an evacuation of U.S. citizens. As of early February 2024, the guided-missile destroyers USS *Carney* and USS *Gravelly* were positioned in the Gulf of Aden and Red Sea, where U.S. warships have been regularly intercepting Houthi missiles; the USS *Dwight D. Eisenhower* carrier strike group was positioned in the Red Sea; and the USS *Bataan* Amphibious Ready Group (ARG) was positioned in the eastern Mediterranean.<sup>48</sup>

## U.S. Expedited Arms Deliveries to Israel

Since October 7, the Biden Administration has expedited the provision of U.S. military and security assistance to Israel. As of late January 2024, one report indicated that since October 7, the United States had dispatched 280 transport planes and 40 ships to deliver 25,000 tons of

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<sup>42</sup> See, for example, James Shotter and Neri Zilber, “‘Benjamin Netanyahu—yes or no?’: the looming choice for Israeli voters,” *Financial Times*, February 1, 2024.

<sup>43</sup> Benoit Faucon et al., “ Hamas Starts Planning for End of Gaza War,” *Wall Street Journal*, December 20, 2023.

<sup>44</sup> “Gallant’s post-war Gaza plan: Palestinians to run civil affairs with global task force,” *Times of Israel*, January 4, 2024. Israel and Egypt are reportedly negotiating the future parameters of their coordination at the Egypt-Gaza border, based on Israeli allegations that this border has been the “main avenue” for Hamas to smuggle weapons and illicit goods into Gaza. Summer Said and Carrie Keller-Lynn, “Israel Presses Egypt over Its Gaza Border,” *Wall Street Journal*, January 8, 2024.

<sup>45</sup> Benoit Faucon et al., “U.S. Presses Palestinians to Plan for Postwar Security,” *Wall Street Journal*, December 16, 2023.

<sup>46</sup> For more on the USSC and U.S. security assistance for the PA, see archived CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

<sup>47</sup> “US officials discuss post-war Gaza governance plans with Palestinian Authority and Arab nations,” CNN, December 8, 2023.

<sup>48</sup> “USNI News Fleet and Marine Tracker,” *USNI News*, February 5, 2024.

armaments and equipment to Israel.<sup>49</sup> The same report noted that due to global shortages in certain types of armaments, the Israeli government had postponed certain defense export contracts in order to redirect resources for domestic combat operations.<sup>50</sup>

### **Emergency Arms Sale to Israel**

In December, the Biden Administration notified Congress of proposed sales to Israel of tank cartridges (\$106.5 million on 12/8) and artillery shells (\$147.5 million on 12/29). In both instances, the Administration said it was invoking emergency authorities codified in the Arms Export Control Act (22 U.S.C. 2776) that allow the President to waive congressional review of an arms sale if the President states in a formal notification to Congress that “an emergency exists” requiring an immediate sale “in the national security interests of the United States.”<sup>51</sup> According to the Department of Defense (DOD), both sales will be from U.S. Army inventory or U.S. Army stock, a possible reference to the U.S.-maintained stockpile in Israel, known as War Reserve Stocks for Allies-Israel (WRSA-I). Amendments to the authorization of WRSA-I in a Senate-introduced version of the supplemental appropriations bill for Israel (see below) would waive congressional notification of sales to Israel from WRSA-I, by replacing 30-day congressional notification with “or as far in advance of such transfer as is practicable as determined by the President on a case-by-case basis during extraordinary circumstances impacting the national security of the United States.” The House version of a supplemental appropriations bill would shorten congressional review to 15 days. Several Members of Congress have objected to the Administration’s use of emergency authority to bypass congressional review.<sup>52</sup>

## **Possible New U.S. Sales of Combat Aircraft to Israel**

In January 2024, sources reported that the United States and Israel are in the process of finalizing up to three different sales of fixed-wing (25 F-35Is and 25 F-15IAs) and rotary-wing aircraft (12 Apache helicopters) to Israel.<sup>53</sup> While the delivery of such items are likely years away, reports also note that Israel has been “accelerating acquisition of various kinds of aerial munitions,” worth “hundreds of millions of dollars.”<sup>54</sup>

## **Humanitarian Assistance for Palestinians**

During President Biden’s October 18 visit to Israel, he announced \$100 million in U.S. humanitarian assistance for Gaza and the West Bank, to “help support over a million displaced and conflict-affected people with clean water, food, hygiene support, medical care, and other essential needs” via “trusted partners including UN agencies and international NGOs.”<sup>55</sup> According to the U.S. Agency for International Development (USAID), for FY2024 as of mid-January, USAID’s Bureau of Humanitarian Assistance had committed \$43.3 million in assistance for Gaza and the West Bank; and the Department of State’s Bureau of Population, Refugees, and Migration had committed \$51 million for Gaza and the West Bank via the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and \$18.2 million for the region via another implementing partner.<sup>56</sup> The Department of State has announced a temporary

<sup>49</sup> Yuval Sade, “Global Ammunition Shortage Forces Israel to Limit Bombing,” *Ynet News*, January 28, 2024.

<sup>50</sup> *Ibid.*

<sup>51</sup> Defense Security Cooperation Agency, “Israel—M830a1 120mm Tank Cartridges,” December 9, 2023.

<sup>52</sup> Alex Gangitano, “Senate Democrats scoff at Biden’s Israel arms sale,” *The Hill*, January 3, 2024. See also, “Senator Risch Letter to Blinken,” Senate Foreign Relations Committee, January 26, 2024.

<sup>53</sup> Amos Harel and Ben Samuels, “U.S. and Israel Finalize Major Military Aircraft Deals Amid Gaza War,” *Haaretz*, January 25, 2024.

<sup>54</sup> *Ibid.*

<sup>55</sup> White House, “U.S. Announcement of Humanitarian Assistance to the Palestinian People,” October 18, 2023.

<sup>56</sup> USAID, Levant Complex Emergency Fact Sheet #3, January 16, 2024.

“pause” in unobligated U.S. funding to UNRWA, pending further review of allegations that 12 UNRWA employees were involved in the October 7 attacks.<sup>57</sup>

Some lawmakers have sponsored legislation or written letters calling for a halt to humanitarian aid in Gaza and/or greater monitoring of whether or not any U.S. assistance to Gaza and the West Bank may previously have been diverted—or be at risk of future diversion—by Hamas or other groups.<sup>58</sup> Other lawmakers have called for additional humanitarian aid for the Palestinians.<sup>59</sup> Also, lawmakers are debating the extent to which UNRWA or alternative implementing partners can provide humanitarian assistance while limiting the risks of misconduct.<sup>60</sup>

## Supplemental Appropriations Legislation

In an October 19 Oval Office speech, President Biden announced an emergency supplemental budget request to support U.S. partners, including Ukraine, Israel, and others, and address other domestic and global issues.<sup>61</sup> In sum, the President seeks over **\$14 billion** in Israel-related funding. For over three months, the House and Senate have considered respective versions of supplemental appropriations legislation, focused not just on Israel, but other foreign policy and domestic matters as well, such as assistance to Ukraine and Taiwan and reforming U.S. border and tax policies.<sup>62</sup>

In early February 2024, leadership in both the House and Senate announced revised supplemental appropriations legislation. On February 3, House leaders released a base text (H.R. 7217), which would provide the full amount requested by the President (with additional defense funds for artillery and munitions), while **adding \$2.5 billion** in FY2024 Presidential Drawdown Authority (22 U.S.C. 2318(a)(1)) for Israel, which “shall not take effect” unless the Secretary of State determines and reports to Congress that the exercise of such authority is in response to the situation in Israel. The bill also would provide **\$3.3 billion** in defense funds to the Department of Defense (DOD) for ongoing operations in the U.S. Central Command (CENTCOM) area of operations. President Biden has said he would veto the stand-alone Israel aid bill.<sup>63</sup>

A day later, Senate leaders introduced a revised bill (the original Senate supplemental had been introduced in early December as S.Amdt. 1371 to H.R. 815) appropriating a total of **\$118.3 billion** for a range of foreign and domestic issues. The bill has been introduced as a new

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<sup>57</sup> Department of State Press Briefing, January 30, 2024. According to this source, total U.S. funding for UNRWA (which provides services to refugees in Jordan, Lebanon, and Syria, in addition to those in Gaza and the West Bank) in FY2024 has been \$121 million.

<sup>58</sup> Text of October 24 letter from 24 Representatives to USAID Director Samantha Power available at <https://www.documentcloud.org/documents/24080806-23-10-23-letter-to-usaid-re-gaza-west-bank-funding-copy>. Lawmakers in both chambers have introduced bills during the 118<sup>th</sup> Cong. that would prohibit any U.S. funding for Palestinians in Gaza absent a presidential certification that (among other things) the assistance would not benefit Hamas or other terrorist organizations or affiliates. Senate version: S. 489; House version: H.R. 5996.

<sup>59</sup> Text of November 8 letter from 26 Senators to President Biden available at [https://www.vanhollen.senate.gov/imo/media/doc/letter\\_to\\_president\\_biden\\_on\\_gaza.pdf](https://www.vanhollen.senate.gov/imo/media/doc/letter_to_president_biden_on_gaza.pdf).

<sup>60</sup> CRS Insight IN12316, *The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Overview and the U.S. Funding Pause*, by Rhoda Margesson and Jim Zanotti.

<sup>61</sup> The request is available at <https://www.whitehouse.gov/wp-content/uploads/2023/10/Letter-regarding-critical-national-security-funding-needs-for-FY-2024.pdf>.

<sup>62</sup> The only bill to receive a vote to date is H.R. 6126, the Israel Security Supplemental Appropriations Act, 2024, which the House passed on November 2, 2023 (by a vote of 226-196). That bill would provide \$14.3 billion in Israel-related supplemental appropriations, but would offset the proposed additional appropriations for Israel by rescinding \$14.3 billion for the Internal Revenue Service.

<sup>63</sup> See <https://www.whitehouse.gov/wp-content/uploads/2024/02/H.R.-7217-Israel-Security-Supplemental-Appropriations-Act-2024-SAP.pdf>.

substitute amendment to H.R. 815.<sup>64</sup> Among other things, this bill would provide **\$14.1 billion** in Israel-related supplemental appropriations, including

- **\$4.4 billion** for DOD’s response to the Israel-Hamas war in Gaza and related expenses;
- **\$801.4 million** for U.S. Army ammunition procurement to respond to the situation in Israel;
- **\$4 billion** in DOD funding for Iron Dome and David’s Sling defense systems;
- **\$3.5 billion** in Foreign Military Financing (FMF), \$769.3 million of which is specified for Off-Shore Procurement (OSP), though that figure “may be exceeded, if agreed by the United States and Israel, following consultation with the Committees on Appropriations.” The Senate bill also would authorize the Secretary of State to waive congressional notification on the FMF funds provided in the bill “if the Secretary of State determines that to do so is in the national security interest of the United States”;
- **\$1.2 billion** in DOD funding for the Iron Beam laser-based defense system being developed by Israel; and
- **\$100 million** to the Department of State for Worldwide Security Protection and the response to the situation in Israel.

In addition, the revised Senate bill, like its House counterpart and the President’s request, also includes proposed provisions that would amend the Department of Defense Appropriations Act, 2005 (P.L. 108-287, §12001) to permit the transfer of previously prohibited categories of defense articles to the Government of Israel, and temporarily waive limitations on the total value of defense stockpiles located in Israel and set aside for Israel’s use per 22 U.S.C. §2321h(b). As previously mentioned, the House bill would shorten the congressional review period for such transfers to 15 days; the Senate-introduced bill specifies that congressional review take place “as far in advance of such transfer as is practicable as determined by the President on a case-by-case basis during extraordinary circumstances impacting the national security of the United States.”

There are several other differences between the House- and Senate-introduced Israel-related supplemental appropriations bills. The Senate bill authorizes \$7.8 billion in Presidential Drawdown Authority for FY2024 without specifying a foreign recipient. In addition to providing Israel-related funding, the Senate-introduced bill would match the President’s request by appropriating over **\$9 billion** via global humanitarian accounts that could be partly allocated to address the needs of those affected by the crisis in Gaza and Israel (including in neighboring countries): **\$5.65 billion** in International Disaster Assistance (IDA) and **\$3.495 billion** in Migration and Refugee Assistance (MRA). The House bill does not include these funds.

The House-introduced bill would mandate a report describing all security assistance provided to Israel since the October 7 attacks; the Senate-introduced bill would not. The Senate-introduced bill includes \$85 million in additional appropriations for other entities, including \$75 million in International Narcotics Control and Law Enforcement (INCLE) funding for assistance to the Middle East and \$10 million in Peace Keeping Operations (PKO) for a U.S. contribution to the Multinational Force and Observers mission in Egypt’s Sinai Peninsula to enhance force protection capabilities. Finally, the Senate-introduced bill would provide \$2.44 billion to replace combat expenditures for weapons in the Red Sea and CENTCOM’s other areas of operations.

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<sup>64</sup> Senate Appropriations Committee, “Murray Releases Text of Bipartisan National Security Supplemental,” February 4, 2024.

Since the Senate-introduced bill includes global humanitarian assistance funds, some of which may be used to support the Palestinians, appropriators added new restrictions in the February 2024 revised bill, explicitly prohibiting funds (notwithstanding any other provision of law) appropriated in the bill (and prior acts) for contributions to UNRWA. The bill also requires the Secretary of State to certify and report to Congress (no later than March 1, 2024) on U.S. oversight policies and procedures for monitoring assistance in Gaza.

### **Possible Senate Amendments to the Supplemental Appropriations Bill for Israel**

Since the initial release of the Senate draft supplemental appropriations bill in December 2023, several Senators have announced amendments, some of which may be re-introduced as the Senate considers its latest bill. On December 7, 13 Senators (currently 18 co-sponsors<sup>65</sup>) published a “discussion draft” of an amendment to H.R. 815 that would (1) require that the weapons received by any country under this bill are used in accordance with U.S. law, international humanitarian law, and the law of armed conflict; (2) require that, per existing law (Section 620i(a) of the Foreign Assistance Act), the President obtain assurances that any country receiving weapons via this bill cooperate fully with U.S.-supported efforts to provide humanitarian assistance to those in need; and (3) require that the President report to the Congress within 30 days on whether each country receiving U.S. security assistance through this bill is, among other things, using U.S.-funded military equipment in accordance with their intended purposes.<sup>66</sup> In January 2024, Senator Tim Kaine announced that he had filed an amendment to “strike a provision in the proposed national security supplemental funding bill that waives oversight requirements for U.S. funding for Israel under the Foreign Military Financing Program.”<sup>67</sup> Senator Schatz also has announced that he is planning to file an amendment (with 48 co-sponsors) reaffirming U.S. support for a “negotiated comprehensive solution to the Israeli-Palestinian conflict resulting in two states with Israelis and Palestinians living side by side in peace, security, dignity, and mutual recognition.”<sup>68</sup>

## **Possible Options for Congress**

### **Additional U.S. Assistance for Israel and Possible Conditions**

Lawmakers may consider whether to increase, maintain, decrease, or condition existing U.S. support for Israel. In December 2023, Senator Bernie Sanders introduced S.Res. 504, a privileged resolution, which would have mandated that the State Department provide Congress with information on Israel’s human rights practices within 30 days of passage, pursuant to Section 502B(c) of the Foreign Assistance Act of 1961. After receiving the report, Congress, by joint resolution, may act to terminate, restrict, or continue security assistance to Israel. On January 16, 2024, the Senate voted 72-11 to table a motion to discharge S.Res. 504 from the Senate Foreign Relations Committee.<sup>69</sup> One report, which the White House has denied,<sup>70</sup> has suggested that the White House is considering whether to slow or pause U.S. munitions deliveries to Israel as

<sup>65</sup> Liz Goodwin and Yasmeen Abutaleb, “Growing number of Senate Democrats question Biden’s Israel strategy,” *Washington Post*, January 19, 2024.

<sup>66</sup> Sen. Chris Van Hollen, “Van Hollen, Durbin, Kaine, Schatz & Colleagues Announce Amendment Requiring that Use of U.S. Supplemental Aid Comply with U.S., International Law,” December 7, 2023.

<sup>67</sup> Sen. Tim Kaine, “Kaine to File Amendment to Maintain Congressional Oversight of Foreign Military Assistance,” January 9, 2024.

<sup>68</sup> Rachel Oswald, “Schatz says two-state solution amendment has 48 co-sponsors,” *Roll Call*, January 24, 2024.

<sup>69</sup> Roll Call Vote 118<sup>th</sup> Cong. - 2<sup>nd</sup> Session, available at <https://www.congress.gov/bill/118th-congress/senate-resolution/504/actions?s=1&r=1&q=%7B%22search%22%3A%22s.res.504%22%7D>.

<sup>70</sup> “White House rejects report US considering slowing weapons sales to Israel,” *Jerusalem Post*, January 28, 2024.

leverage for achieving specific U.S. requests, such as Israeli cooperation in providing more aid to Palestinian civilians.<sup>71</sup>

## **Humanitarian Assistance for Palestinians and Israel**

As mentioned above, the President's October supplemental budget request includes more than **\$9 billion** in humanitarian assistance potentially usable for needs in and around Gaza, the West Bank, and Israel from the MRA and IDA accounts. Members of Congress are debating the scope and conditions under which humanitarian assistance should be appropriated or allocated, including with respect to UNRWA.<sup>72</sup> In early February 2024, 25 Senators wrote a letter to President Biden urging his Administration to work with Israel to increase humanitarian aid access to Gaza and to investigate employee wrongdoing at UNRWA "so that the resumption of U.S. assistance through UNRWA, when appropriate, remains possible."<sup>73</sup>

## **Monitoring U.S. Security Assistance for Human Rights Purposes**

Since the IDF began its operations in Gaza, some critics have accused Israel of causing excessive civilian casualties and possible misuse of U.S. defense equipment.<sup>74</sup> Biden Administration officials also have become more vocal in their call for Israeli attentiveness to civilian casualties.<sup>75</sup> U.S. officials also have asserted that Israel is making efforts to reduce the number of civilian casualties. According to White House National Security Spokesperson John Kirby, "They've [the Israelis] relied less on air power, structured their ground operations in such a way, to try to be more targeted and precise. I get this all the time that they're ignoring us, that they're not listening to us, and frankly, the facts just don't bear that out."<sup>76</sup> According to one report, the United States and Israel have set up a bilateral channel to investigate reports of civilian harm, noting

Through the channel, which has been active for the last few weeks, Washington raises with the Israelis "every specific incident of concern" related to Israel's military campaign in Gaza, another U.S. official said. The Israelis investigate and provide feedback to the Americans. In some instances, the Israelis have conveyed additional information that sheds light on an incident while in others, they admitted they "made a mistake," the officials said, without specifying which ones.<sup>77</sup>

One report from mid-December indicated that the Biden Administration is withholding the delivery of 27,000 M4 and M16 rifles for Israel's national police due to concerns that such armaments may be transferred to civilians under an initiative led by Israel's ultra-nationalist National Security Minister Itamar Ben Gvir.<sup>78</sup>

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<sup>71</sup> Carol E. Lee and Courtney Kube, "Biden administration discussing slowing some weaponry deliveries to Israel to pressure Netanyahu," *NBC News*, January 28, 2024.

<sup>72</sup> CRS Insight IN12316, *The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Overview and the U.S. Funding Pause*, by Rhoda Margesson and Jim Zanotti.

<sup>73</sup> 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.

<sup>74</sup> See, for example, Brian Finucane, "Is Washington Responsible for What Israel Does with American Weapons?" *Foreign Affairs*, November 17, 2023.

<sup>75</sup> Department of Defense, "'A Time for American Leadership': Remarks by Secretary of Defense Lloyd J. Austin III at the Reagan National Defense Forum (As Delivered)," Secretary of Defense Lloyd J. Austin III, December 2, 2023.

<sup>76</sup> "White House spokesman: Israel is relying less on its Air Force in Gaza," *Israel National News*, January 30, 2024.

<sup>77</sup> "Gaza: US sets up channel with Israel seeking answers on civilian casualties," Reuters, January 25, 2024.

<sup>78</sup> Nancy A. Youssef and Vivian Salama, "Washington Is Blocking Shipment of Rifles to Israel," *Wall Street Journal*, December 14, 2023.

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