

# Israel and Hamas 2023 Conflict In Brief: Overview, U.S. Policy, and Options for Congress

Updated December 13, 2023

Congressional Research Service

<https://crsreports.congress.gov>

R47828



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December 13, 2023

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## Israel and Hamas 2023 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 by land, sea, and air. The assault came on a Jewish holiday, 50 years after the Egypt-Syria surprise attack on Israel that sparked the 1973 Yom Kippur War. The violence, scope, and lethality of the October 7 assault stunned Israelis. The apparent intelligence and operational failures in preventing the assault 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’s cabinet formally declared war on Hamas. Israel has conducted aerial bombardment and ground operations in Gaza, and halted electricity, food, and fuel supplies to Gaza from Israeli territory. The United Nations has stated that the situation in Gaza, with more than 1.9 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, but U.S. and U.N. officials have sought to boost this aid.

Reportedly, more than 1,200 Israelis and foreign nationals (including 35 U.S. citizens in Israel) and more than 18,200 Palestinians in Gaza have been killed as of December 12. Hamas and other groups also seized around 240 hostages on October 7. Via talks involving Qatar, Egypt, and the United States to address the hostage situation, Israel and Hamas agreed to a multi-day 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 more than 130 persons, including about eight Americans.

Israeli Prime Minister Benjamin Netanyahu initially announced that Israel’s military objectives were “To destroy the military and governmental capabilities of Hamas and bring the hostages home.” As of mid-December, the Israel Defense Forces (IDF) seems to control much of northern Gaza above ground, and has entered the southern Gaza city of Khan Yunis largely to target Hamas’s leadership. The group’s network of tunnels makes urban warfare more challenging. Israel may maintain the intensity of its ground operations into early 2024, and pursue the overall campaign for a “year or more.” The Biden Administration has stated that Israel has the right and obligation to defend itself, and has resisted calls from other international actors for an indefinite cease-fire. However, U.S. leaders may be seeking for ways to deescalate and eventually help end the conflict, and have reportedly urged Israel to be more precise in its targeting of Hamas to limit further civilian casualties, amid debate regarding how the prosecution of the conflict may affect long-term outcomes.

There are risks that the conflict could expand. For example, 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. statements and actions, including expedited arms deliveries to Israel and the movement of major U.S. military assets, appear intended to warn Iran and its allies not to get involved. Additionally, amid violence and tensions between Palestinians and Israelis in the West Bank, President Biden has called for attacks by “extremist settlers” against Palestinians to stop, and the Department of State has announced a visa restriction policy aimed at those who undermine “peace, security, and stability” in the West Bank.

Prime Minister Netanyahu has said that Israel will have indefinite security responsibility for Gaza after the conflict, and opposes the West Bank-based Palestinian Authority (PA) returning to power there. U.S. officials have expressed support for a resumption of PA administration in Gaza after the PA undertakes certain reforms, and have said that any potentially transitional Israeli security presence should permit this eventual outcome, in connection with efforts to move Israel and the Palestinians away from violence and toward a two-state solution.

In October 2023, President Biden asked Congress to appropriate more than \$8 billion in U.S. security assistance for Israel, 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 the House passing H.R. 6126 and the Senate Appropriations Committee introducing S.Amdt. 1371 to H.R. 815.

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# Conflict Overview

## Background

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 by land, sea, and air 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, just over 50 years after the Egypt-Syria surprise attack on Israel that sparked the 1973 Yom Kippur War (known in the Arab world as the October War). The October 7 attacks' scope and lethality have no precedent in the 16 years Hamas has controlled 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 formally declared war on Hamas, and Prime Minister Benjamin Netanyahu formed an emergency unity government with one opposition party. Israel also halted supplies from Israeli territory to Gaza of electricity, food, and fuel. Egypt, via consultations with U.S., Israeli, and U.N. officials, is coordinating the use of its Rafah crossing with Gaza to bring international aid into the territory—in a way that seeks to prevent diversion by Hamas—and to permit U.S. citizens and other foreign passport holders safe passage out.

Israel's military has mobilized hundreds of thousands of troops, conducted air and artillery bombardments in Gaza, and undertaken ground operations in both northern and southern Gaza. Most Palestinians in Gaza have been displaced from their homes and face profound humanitarian challenges (discussed further below). At various points in the conflict, Hamas and other Gaza-based militants have fired rockets indiscriminately into Israel. As of mid-December, the Israel Defense Forces (IDF) seems to control much of northern Gaza above ground, and has reportedly entered Khan Yunis in southern Gaza, as it continues major operations to target Hamas's top leaders—including in the group's vast network of tunnels.<sup>4</sup> Reportedly as of December 12, more than 1,200 Israelis and foreign nationals (including 35 U.S. citizens in Israel) and more than

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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.

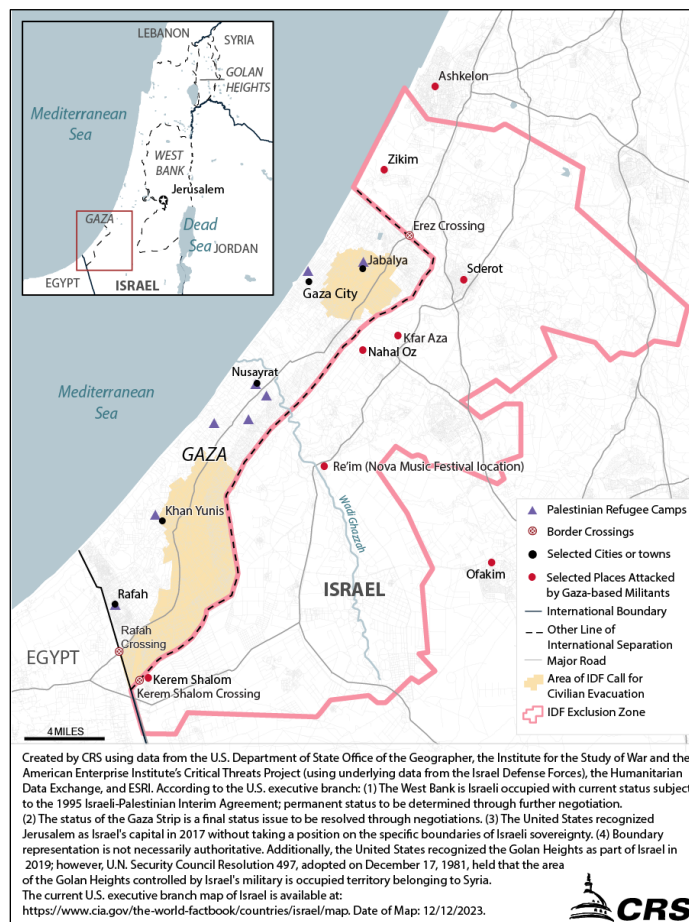
<sup>2</sup> Ronen Bergman and Adam Goldman, "Israel Knew Hamas's Attack Plan More Than a Year Ago," *New York Times*, November 30, 2023; Center for Strategic and International Studies, "Experts React: Assessing the Israeli Intelligence and Potential Policy Failure," October 25, 2023.

<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 Report R47754, *Israel and Hamas October 2023 Conflict: Frequently Asked Questions (FAQs)*, coordinated by Jim Zanotti, Jeremy M. Sharp, and Christopher M. Blanchard.

<sup>4</sup> "Insight: Israel's most wanted: the three Hamas leaders in Gaza it aims to kill," Reuters, December 1, 2023.

18,200 Palestinians in Gaza had been killed.<sup>5</sup> The IDF's treatment of detainees has received increasing international attention.<sup>6</sup>

**Figure 1. 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. Via talks involving Qatar, Egypt, and the United States to address the hostage situation, Israel and Hamas agreed to a multi-day pause in fighting 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>7</sup> and increased humanitarian supplies came into Gaza from Egypt. Hamas and other groups reportedly still hold more than 130 persons in Gaza,

<sup>5</sup> United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), "Hostilities in the Gaza Strip and Israel | Flash Update #67," December 12, 2023; Department of State, "Secretary Antony J. Blinken at a Press Availability," Tel Aviv, Israel, November 3, 2023. Palestinian casualty figures come from the Hamas-controlled health ministry in Gaza. 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 100 Israeli soldiers have been killed since Israel's military began ground operations in Gaza.

<sup>6</sup> Shayndi Raice and Carrie Keller-Lynn, "Israel Detains Hundreds of Palestinian Men," *Wall Street Journal*, December 10, 2023.

<sup>7</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.

including about eight Americans.<sup>8</sup> As of mid-December, questions surround if and when serious negotiations might resume for more hostage-prisoner exchanges that could pause the fighting. Hamas leaders may demand that Israel fully cease hostilities and release the approximately 7,000 Palestinian prisoners in its custody.<sup>9</sup>

More than 1.9 million Gazans (out of a population of approximately 2.1 million people<sup>10</sup>) are reportedly displaced from their homes as of December 12.<sup>11</sup> In mid-October, the IDF “call[ed] for” the evacuation of civilians in northern Gaza “from their homes southwards for their own safety and protection,”<sup>12</sup> and has reportedly prevented efforts by some Gazans to return to their homes in the north.<sup>13</sup> Since the IDF moved into southern Gaza in early December, its strikes and calls for people to evacuate some areas have triggered additional displacement within the south, including from places that had been accommodating thousands of the people who had fled northern Gaza.<sup>14</sup> Israeli aspirations of designating “safe areas” have been met with criticism from U.N. officials, with one arguing that the pace of Israeli operations in southern Gaza has made no place safe for civilians, thus leaving any humanitarian plan to protect and aid them “in tatters.”<sup>15</sup>

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.

U.S. and U.N. officials have sought to increase the provision of international assistance into Gaza via Egypt. U.N. and World Health Organization officials have raised many public health concerns associated with water, food, and fuel shortages, overcrowding, poor sanitation, and challenges to hospitals’ safety and functionality. During the November pause in fighting, more shipments came in, with some reaching northern Gaza. With the resumption of hostilities, shipments have decreased, humanitarian access to the north has almost completely stopped, and intensified conflict in the south has largely obstructed aid distribution there.<sup>16</sup>

## Key Developments

**Israel** has formed an emergency unity government and “war management cabinet” that includes key opposition figure Benny Gantz (a former defense minister and chief IDF commander) alongside Prime Minister Netanyahu and Defense Minister Yoav Gallant.<sup>17</sup> Netanyahu’s initial stated objectives were “To destroy the military and governmental capabilities of Hamas and bring

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<sup>8</sup> “Israeli defense chief resists pressure to halt Gaza offensive, says campaign will ‘take time,’” Associated Press, December 11, 2023; “‘This Week’ Transcript 12-3-23: White House NSC Coordinator for Strategic Communications John Kirby, Israeli Minister of Strategic Affairs Ron Dermer and Sen. James Lankford,” ABC News. Israel has said that 20 of the people held by Hamas are dead.

<sup>9</sup> Rory Jones et al., “Hamas Leader Studied His Enemy,” *Wall Street Journal*, December 11, 2023.

<sup>10</sup> Figures for Gaza’s total population per Central Intelligence Agency World Factbook.

<sup>11</sup> UN-OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #67,” December 12, 2023.

<sup>12</sup> Israel Defense Forces, “IDF Announcement Sent to the Civilians of Gaza City,” October 13, 2023.

<sup>13</sup> UN-OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #54,” November 29, 2023.

<sup>14</sup> Jared Malsin et al., “Israel’s Grid Plan Faces Challenges,” *Wall Street Journal*, December 11, 2023.

<sup>15</sup> UN-OCHA, “UN relief chief: ‘No place safe’ for civilians in southern Gaza,” December 7, 2023.

<sup>16</sup> UN-OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #67,” December 12, 2023.

<sup>17</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.



the hostages home.”<sup>18</sup> One report, citing people reportedly familiar with Israeli planning, has stated that the most intensive phase of the ground offensive will likely continue into early 2024, with the overall campaign set to last for a “year or more,” and timing driven by “operational progress on the ground, international pressure and opportunities to free Israeli hostages.”<sup>19</sup>

Since the October 7 attacks, Israel has exchanged fire with the Iran-backed Shia Islamist group **Lebanese Hezbollah** (an FTO) and Palestinian militants across Israel’s northern border with Lebanon. Israel has ordered the evacuation of more than 40 communities in northern Israel. If these clashes escalate, Hezbollah’s arsenal of more than 100,000 missiles and rockets could pose a grave threat to Israeli strategic sites and population centers.<sup>20</sup>

Officials from the **Palestinian Authority/Palestine Liberation Organization (PA/PLO)**, based in the West Bank, appear to be in a difficult position. While they do not endorse Hamas, they likely remain mindful of the sizable population of Palestinians who support confronting Israel<sup>21</sup>—support that could be bolstered by the prisoner releases Hamas secured in late November and by reactions to civilian suffering.<sup>22</sup> Amid rising tensions and violence between Palestinians and Israelis in the West Bank, President Biden has called for attacks by “extremist settlers” against Palestinians to stop.<sup>23</sup> On December 5, the Department of State announced a “a new visa restriction policy targeting individuals believed to have been involved in undermining peace, security, or stability in the West Bank.”<sup>24</sup>

As civilian casualties have mounted in Gaza, some regional and international actors have grown more publicly critical of Israeli and U.S. policy. In mid-November, **Saudi Arabia** hosted a “joint Arab Islamic” summit, where leaders from the **Gulf, Iran, Egypt, Jordan, Turkey, and Syria** called for an end to “Israeli aggression against Gaza,” more humanitarian aid, and a freeze on international arms exports to Israel.<sup>25</sup> Although popular sentiment in Arab states has placed pressure on their governments to publicly oppose Israeli actions in Gaza,<sup>26</sup> one former U.S. official has said that many Arab leaders have told him that “Hamas must be destroyed in Gaza.”<sup>27</sup>

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.” The resolution

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<sup>18</sup> “Netanyahu says the Gaza war has entered a new stage and will be ‘long and difficult,’” Associated Press, October 28, 2023.

<sup>19</sup> Neri Zilber, “Israel plans for ‘long war’ and aims to kill top three Hamas leaders,” *Financial Times*, December 1, 2023.

<sup>20</sup> Adi Hashmonai, “Israel Plans to Evacuate Communities Close to Border with Lebanon, Many Refuse to Leave,” *Haaretz*, October 17, 2023.

<sup>21</sup> Mohammad al-Kassim, “PA President Mahmoud Abbas MIA as Hamas wages war against Israel,” *Ynetnews*, October 10, 2023.

<sup>22</sup> Christina Goldbaum and Hiba Yazbek, “In West Bank, Trust in Hamas Only Deepens,” *New York Times*, November 30, 2023.

<sup>23</sup> Joe Biden, “The U.S. won’t back down from the challenge of Putin and Hamas,” *Washington Post*, November 19, 2023.

<sup>24</sup> Department of State, “Announcement of Visa Restriction Policy to Promote Peace, Security, and Stability in the West Bank,” December 1, 2023.

<sup>25</sup> “Arab-Islamic summit adopts resolution on Israeli aggression against the Palestinian people,” *Arab News*, November 12, 2023.

<sup>26</sup> International Crisis Group, “The Gaza War Reverberates Across the Middle East,” November 4, 2023.

<sup>27</sup> Dennis Ross, “I Might Have Once Favored a Cease-Fire with Hamas, but Not Now,” *New York Times*, October 27, 2023. See also “Many Arab governments would like to see Hamas gone,” *The Economist*, November 16, 2023.

was adopted by a vote of 12 in favor, none against (the United States, the United Kingdom, and Russia abstained). U.S. Permanent Representative to the United Nations Linda Thomas-Greenfield stated that she could not vote yes on a text that did not condemn Hamas or reaffirm the rights of all Member States to protect their citizens from terrorist attacks.<sup>28</sup> On December 8, the United States vetoed a draft Security Council resolution that sought an “immediate humanitarian ceasefire.” (Thirteen countries voted in favor and the United Kingdom abstained.)<sup>29</sup>

**Some open questions** include: What would constitute “victory” for Israel in Gaza? What does the future of Gaza look like? What might be the longer-term ramifications for U.S. priorities such as Israel’s security, countering the reach of Iran and its allies, and avoiding major war or humanitarian disaster? Under what circumstances and to what end might U.S.-backed diplomacy resume between Israel, Palestinians, and Arab states?

## U.S. Policy

### Israeli Military Operations and Pauses

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 Antony 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. In a November 19 *Washington Post* op-ed column, President Biden wrote:

As long as Hamas clings to its ideology of destruction, a cease-fire is not peace. To Hamas’s members, every cease-fire is time they exploit to rebuild their stockpile of rockets, reposition fighters and restart the killing by attacking innocents again. An outcome that leaves Hamas in control of Gaza would once more perpetuate its hate and deny Palestinian civilians the chance to build something better for themselves.<sup>30</sup>

Nevertheless, U.S. officials have voiced support for “humanitarian pauses,” and President Biden reportedly personally worked with Israeli and Qatari counterparts to help secure the late November pause in fighting and hostage-prisoner exchanges.<sup>31</sup>

While President Biden appears to broadly support Israel’s stated objectives of ending Hamas rule in Gaza, one former U.S. official has said that Biden is “looking for ways to de-escalate and eventually for an exit ramp.”<sup>32</sup> An Israeli media readout from an early December call between President Biden and Prime Minister Netanyahu suggested that after “3-4 more weeks” of operations in southern Gaza, U.S. officials expect the IDF approach to become “more focused and less intense.”<sup>33</sup> In urging Israel to avoid civilian casualties, Secretary Austin has said that “protecting Palestinian civilians in Gaza is both a moral responsibility and a strategic

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<sup>28</sup> United Nations, “Adopting Resolution 2712 (2023), Security Council Calls for ‘Urgent and Extended’ Humanitarian Pauses in Gaza, Immediate Release of Hostages,” November 15, 2023.

<sup>29</sup> UN News, “US vetoes resolution on Gaza which called for ‘immediate humanitarian ceasefire,’” December 8, 2023.

<sup>30</sup> Biden, “The U.S. won’t back down from the challenge of Putin and Hamas.”

<sup>31</sup> Barak Ravid, “Inside Biden’s push for the Israel-Hamas hostage deal,” *Axios*, November 23, 2023.

<sup>32</sup> Aaron David Miller, quoted in Peter Baker, “Challenge for Biden: What Comes Next,” *New York Times*, November 27, 2023.

<sup>33</sup> “Report: Netanyahu told Biden Khan Younis operation to go on for 3-4 more weeks,” *Times of Israel*, December 10, 2023.



imperative.”<sup>34</sup> On December 10, Secretary Blinken cited a “gap” between Israel’s intent to protect civilians and the results.<sup>35</sup> President Biden said on December 11, “We continue to provide military assistance to Israel ... until they get rid of Hamas. But – but we have to be careful. They have to be careful,” and added “The whole world’s public opinion can shift overnight. We can’t let that happen.”<sup>36</sup> The following day, he warned that Israel is starting to lose international support “by the indiscriminate bombing that takes place.”<sup>37</sup>

## Potential Post-Conflict Scenarios

U.S. officials have engaged in diplomatic talks with Israel and other regional partners over the future governance of post-war Gaza, with some differences emerging among these parties. In President Biden’s November 19 op-ed, he 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>38</sup>

In October 31 congressional testimony, Secretary Blinken said that if turning Gaza over to the PA “in one step” cannot happen, “other, temporary arrangements” could involve other regional countries and/or international agencies.<sup>39</sup> Arab government leaders reportedly are resisting U.S. suggestions that they play a larger role—expressing that they believe Gaza to be “a problem largely of Israel’s own making.”<sup>40</sup>

While discussing potential post-conflict scenarios with Blinken in the West Bank on November 5, PA President Mahmoud Abbas stated the PA’s willingness to “fully assume our responsibilities within the framework of a comprehensive political solution that includes all of the West Bank, including East Jerusalem, and the Gaza Strip,”<sup>41</sup> suggesting that he expects progress toward Palestinian statehood in conjunction with any move toward resuming PA governance in Gaza. In 2005, Israel withdrew its military presence from Gaza and ceded control to the PA. Two years later in 2007, the PA lost its hold on the territory in an armed struggle with Hamas, which was founded in Gaza in the 1980s and has maintained a considerable base of support there since.

Prime Minister Netanyahu has said, “I think Israel will, for an indefinite period will have the overall security responsibility because we’ve seen what happens when we don’t have it.”<sup>42</sup> He has

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<sup>34</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),” December 2, 2023.

<sup>35</sup> Department of State, “Secretary Antony J. Blinken with Martha Raddatz of ABC This Week,” December 10, 2023.

<sup>36</sup> White House, “Remarks by President Biden at a Hanukkah Holiday Reception,” December 11, 2023.

<sup>37</sup> White House, “Remarks by President Biden at a Campaign Reception,” December 12, 2023.

<sup>38</sup> Biden, “The U.S. won’t back down from the challenge of Putin and Hamas.”

<sup>39</sup> Senate Appropriations Committee testimony available at <https://www.cq.com/doc/congressionaltranscripts-7867772?3>.

<sup>40</sup> Matthew Lee, “Arab leaders push for an Israel-Hamas cease-fire now,” November 4, 2023.

<sup>41</sup> “Receiving US State Secretary, President Abbas demands immediate end to Israel’s aggression on Gaza,” Wafa News Agency, November 5, 2023.

<sup>42</sup> Alexandra Hutzler, “Netanyahu to ABC’s Muir: ‘No cease-fire’ without release of hostages,” ABC News, November 6, 2023.

argued that only the IDF (and not an international force) can demilitarize Gaza.<sup>43</sup> Netanyahu also has said that he disagrees with U.S. officials about a post-conflict role for the PA,<sup>44</sup> calling instead for some other “reconstructed civilian authority.”<sup>45</sup>

U.S. officials reportedly have acknowledged that the PA would need to “undertake major reforms, purging its aging leaderships, setting a timetable for elections and overhauling its security forces, in order to be able to step into Gaza.”<sup>46</sup> One U.S. official has said that while IDF management of security is plausible for “at least some period of time” after the conflict, an IDF reoccupation of Gaza is not “a long-term governance solution.”<sup>47</sup> On December 12, President Biden expressed an interest in persuading Netanyahu to help strengthen and change the PA and be open to a possible future Palestinian state, despite opposition to it within Netanyahu’s government.<sup>48</sup>

Questions may persist about the credibility of any post-conflict outcome and major reconstruction effort that does not provide some form of (1) order and security, (2) Palestinian autonomy (connected to aspirations for statehood), and (3) Israeli capacity to monitor and prevent the rise of threats. Potential tensions among these three points could intensify challenges that actors taking responsibility for Gaza would face. It is also unclear whether or not such an outcome can be credible without some continuity in personnel who have run key civil services under Hamas rule.

## 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 bolster Israel’s defense, deter Iran and Iranian-supported groups from widening the war, support select Arab partners, and prepare for contingencies, such as an evacuation of U.S. citizens in Israel and Gaza. As of mid-December, the USS *Gerald R. Ford* carrier strike group remains in the eastern Mediterranean. The USS *Dwight D. Eisenhower* carrier strike group is positioned in the Gulf of Oman, and the USS *Bataan* Amphibious Ready Group (ARG) is positioned in the Red Sea.<sup>49</sup> The United States has also sent additional F-35, F-15, and F-16 fighter aircraft, and A-10 attack aircraft to the Middle East region along with a Terminal High-Altitude Area Defense (THAAD) missile defense system to Saudi Arabia, and Patriot air and missile systems to Kuwait, Jordan, Iraq, Qatar, and the United Arab Emirates.

## U.S. Military Response to Iranian-Supported Groups

Iran supports several proxy non-state actors across the Middle East, and armed groups in Iraq, Syria, Lebanon, and Yemen have expressed support for the Hamas attacks. To date, attacks against Israel have emanated from Lebanon, Syria, and Yemen, while Iran-supported groups in Iraq and Syria have repeatedly targeted U.S. forces stationed there. Since mid-October, there have been at least 84 attacks against U.S. forces stationed in Iraq and Syria. The United States has conducted at least six air strikes in retaliation.<sup>50</sup> In the Red Sea, the U.S. Navy has intercepted

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<sup>43</sup> Israeli Prime Minister’s Office, “Statement by PM Netanyahu,” December 5, 2023.

<sup>44</sup> David S. Cloud, “Israel’s Netanyahu Rejects U.S. Plan for Postwar Gaza,” *Wall Street Journal*, December 12, 2023.

<sup>45</sup> Transcript, “State of the Union,” CNN, November 12, 2023.

<sup>46</sup> Cloud, “Israel’s Netanyahu Rejects U.S. Plan for Postwar Gaza.”

<sup>47</sup> White House, “Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby,” November 8, 2023.

<sup>48</sup> White House, “Remarks by President Biden at a Campaign Reception,” December 12, 2023.

<sup>49</sup> “USNI News Fleet and Marine Tracker,” *USNI News*, November 20, 2023.

<sup>50</sup> Haley Britzky and Oren Liebermann, “US forces came under attack 4 times in Iraq and Syria on Thanksgiving,” CNN, November 24, 2023.

Houthi missiles and drones from Yemen heading toward Israel, thwarted Houthi hijackings of Israeli-linked commercial vessels, and taken fire from Houthi forces.<sup>51</sup> The Houthis reportedly shot down a U.S. MQ-9 Reaper unmanned aerial vehicle.<sup>52</sup> On December 4, National Security Advisor Jake Sullivan said, “[W]e are in talks with other countries about a maritime task force of sorts involving the ships from partner nations alongside the United States in ensuring safe passage in the Red Sea.”<sup>53</sup> The United States already leads anti-piracy Task Force 153 to patrol the Red Sea area. On December 9, the Houthis threatened to target all ships heading to Israel, regardless of their nationality, and warned all international shipping companies against dealings with Israeli ports.<sup>54</sup> Some Members of Congress have called on the Biden Administration to redesignate the Houthis as a Foreign Terrorist Organization (FTO).<sup>55</sup> According to one report, the Administration is reviewing whether to do so.<sup>56</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, including, as of early December, about 15,000 bombs and 57,000 artillery shells.<sup>57</sup> Of the 15,000 bombs transferred to Israel, 5,400 were MK84 bombs, 5,000 were unguided MK82 bombs, 3,000 were joint direct attack munitions (JDAM) that convert unguided bombs into precision-guided munitions, 1,000 were GBU-39 small-diameter bombs, and 100 were BLU-109, 2,000-pound bunker-buster bombs.<sup>58</sup>

### Emergency Arms Sale to Israel

On December 8, the Biden Administration notified Congress of a proposed sale to Israel of 120mm M830A1 High Explosive Anti-Tank Multi-Purpose with Tracer (MPAT) tank cartridges (\$106.5 million). 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>59</sup> According to the *New York Times*, the tank rounds are part of a larger order from Israel of 45,000 rounds of ammunition (\$500 million) for Merkava tanks that is under informal review by the House Foreign Affairs and Senate Foreign Relations Committees.<sup>60</sup> According to the Department of Defense, the tank cartridges will be a “sale from U.S. Army inventory,” a possible reference to the U.S.-maintained stockpile in Israel, known as War Reserve Stocks for Allies-Israel (WRSA-I). The authorization of WRSA-I (Section 12001 of P.L. 108-287) states that “not later than 30 days before making a transfer under the authority of this section,” the President shall transmit a notification of the proposed transfer to the appropriate oversight committees. A proposed amendment to this authorization in the Senate 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

<sup>51</sup> “US Navy seizes attackers who held Israel-linked tanker,” BBC News, November 27, 2023.

<sup>52</sup> Eric Schmitt, “Houthi Rebels Shot Down a U.S. Drone Off Yemen’s Coast, Pentagon Says,” *New York Times*, November 8, 2023.

<sup>53</sup> White House, “Press briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan,” December 4, 2023.

<sup>54</sup> “Yemen’s Houthis warn they will target all ships headed to Israel,” Reuters, December 9, 2023.

<sup>55</sup> “Chairman McCaul Issues Statement on Houthi Threat,” House Foreign Affairs Committee, December 4, 2023.

<sup>56</sup> Jennifer Jacobs, “US to Review Terrorist Label for Houthis After Ship Seized,” Bloomberg, November 21, 2023.

<sup>57</sup> Jared Malsin and Nancy A. Youssef, “U.S. Provides Bunker-Buster Bombs to Israel --- A surge in arms includes 15,000 bombs and 57,000 artillery shells,” *Wall Street Journal*, December 2, 2023.

<sup>58</sup> Ibid.

<sup>59</sup> Defense Security Cooperation Agency, “Israel – M830a1 120mm Tank Cartridges,” December 9, 2023.

<sup>60</sup> Edward Wong, “State Department Bypasses Congress to Approve Israel’s Order for Tank Ammunition,” *New York Times*, December 9, 2023.

during extraordinary circumstances impacting the national security of the United States.” The House version of the supplemental appropriations bill would shorten congressional review to 15 days. Since 1973, the executive branch has invoked emergency arms sales authority for Israel once, in 1991.<sup>61</sup>

The United States has transferred interceptors to replenish Israel’s Iron Dome (a U.S.-supported short-range anti-rocket, anti-mortar, and anti-artillery system) The Administration also is reportedly sending Israel two Iron Dome batteries previously purchased by the U.S. Army. According to one report, the United States also has shipped 2,000 Hellfire laser-guided missiles for Israel’s Apache attack helicopters, along with 36,000 rounds of 30mm ammunition to be fired by the Apache’s cannon.<sup>62</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>63</sup> According to the U.S. Agency for International Development (USAID), for FY2024, USAID’s Bureau of Humanitarian Assistance has so far committed \$43.3 million in assistance for Gaza and the West Bank, and the Department of State’s Bureau of Population, Refugees, and Migration has committed \$66 million for the region via the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and another implementing partner.<sup>64</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>65</sup> Other lawmakers have called for additional humanitarian aid for the Palestinians.<sup>66</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>67</sup> In sum, the President seeks over **\$14 billion** in Israel-related funding. On November 2, the House passed H.R. 6126, the Israel Security Supplemental Appropriations Act, 2024, (by a vote of 226-196). The bill would provide \$14.3 billion in Israel-

<sup>61</sup> President Determination No. 91-25 of March 21, 1991, 56 Fed. Reg. 13263 (April 1, 1991).

<sup>62</sup> The report also noted that the U.S. Defense Department also has shipped 1,800 M141 bunker-buster munitions and at least 3,500 night-vision devices to Israel. Tony Capaccio, “Pentagon Is Sending Israel Ammunition, Laser-Guided Missiles,” Bloomberg, November 15, 2023.

<sup>63</sup> White House, “U.S. Announcement of Humanitarian Assistance to the Palestinian People,” October 18, 2023.

<sup>64</sup> USAID, Levant Complex Emergency Fact Sheet #2, December 7, 2023.

<sup>65</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> Congress 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>66</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>67</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>.

related supplemental appropriations, but would offset the proposed additional appropriations for Israel by rescinding \$14.3 billion for the Internal Revenue Service. The bill does not include appropriations for Ukraine or humanitarian assistance.

In early December, the Senate Appropriations Committee released its version of the supplemental bill in an amendment (S.Amdt. 1371) to H.R. 815. Like the House-passed bill and the President's request, the Senate-introduced base bill would provide:

- **\$5.4 billion** for the Department of Defense (DOD)'s response to the Israel-Hamas war in Gaza and related expenses, including (1) **\$4.4 billion** that could be transferred among several defense appropriations accounts for various purposes (including the replenishment of U.S. defense equipment; reimbursement of DOD for defense services provided to Israel; expansion of munitions production; and production of unspecified critical defense articles); (2) **\$801.4 million** for ammunition procurement; and (3) **\$198.6 million** "to mitigate industrial base constraints" through Defense Production Act purchases.
- **\$4 billion** in DOD funding for Iron Dome and David's Sling defense systems.
- **\$3.5 billion** in Foreign Military Financing (FMF), all of which may be made available for Israel to spend in-country in local currency (known as off-shore procurement). The bill also would waive congressional notification for any FMF funds appropriated in the bill for Israel if the president 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.

In addition, and like the House bill and the President's request, the Senate-introduced base bill 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, H.R. 6126 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 differences between the House and Senate-introduced Israel-related supplemental appropriations bills. In addition to aid to Israel, the President also requested over **\$9 billion** in funding 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 Senate-introduced bill would increase funding levels beyond the President's request to a total of \$10 billion (\$5.65 billion in IDA and \$4.34 billion in MRA).

The House bill mandates a reporting requirement describing all security assistance provided to Israel since the October 7 attacks; the Senate bill does not. The Senate bill includes \$120 million in additional appropriations for other entities, including \$75 million in International Narcotics Control and Law Enforcement (INCLE) funding for Jordan and Lebanon to enhance border security; \$10 million in INCLE for programs administered by the U.S. Security Coordinator for Israel and the Palestinian Authority (USSC); \$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; and \$25 million in Economic Support Funds (ESF) for reconciliation programs in the Middle East, including between Israelis and Palestinians.

### **13 Senators Announce Amendment to Supplemental Appropriations Bill for Israel**

On December 7, 13 Senators 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>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. Some (see text box above) have publicly signaled their support for specific legislative language that would potentially condition U.S. security assistance.<sup>69</sup> Other Members have voiced opposition to efforts to “tie the hands of Israel” or condition assistance.<sup>70</sup> One report suggests that some lawmakers object to the Administration’s proposed elimination of congressional reporting requirements on the use of FMF for Israel and that the Administration may have to accept more oversight.<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. In a separate October request, the President asked for **\$1.05 billion** in “Food for Peace” grants for global emergency food needs via the Department of Agriculture.<sup>72</sup> Members of Congress are debating the scope and conditions under which humanitarian assistance should be appropriated or allocated. Some strongly support boosting humanitarian aid for Palestinians and facilitating its provision,<sup>73</sup> while others have expressed concerns that Hamas or other militants could divert aid shipments for their own use.<sup>74</sup>

<sup>68</sup> Senator 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>69</sup> For example, see Sarah Fortinsky, “Turner says ‘conditional aid’ to Israel ‘accurately’ reflects US policy,” *The Hill*, November 26, 2023; “Sen. Murphy open to placing conditions on aid to Israel, calls civilian death toll in Gaza ‘unacceptable,’” CNN, November 26, 2023.

<sup>70</sup> Senate Minority Leader, *Congressional Record*, November 28, 2023; Adrian Adragna, “Senate Foreign Relations chair does not support conditions on U.S. aid to Israel,” *Politico*, November 27, 2023.

<sup>71</sup> Rachel Oswald, “Push to arm Israel reveals more Democrats urging conditions,” *CQ News*, December 4, 2023.

<sup>72</sup> See <https://www.whitehouse.gov/wp-content/uploads/2023/10/Summary-of-Funding-Request-to-Meet-Critical-Needs.pdf>.

<sup>73</sup> See text of October 18 letter from 33 Senators to Secretary Blinken at [https://www.murphy.senate.gov/imo/media/doc/un\\_humanitarian\\_appeal.pdf](https://www.murphy.senate.gov/imo/media/doc/un_humanitarian_appeal.pdf); and text of October 20 letter from 130 Representatives to President Biden at [https://connolly.house.gov/uploadedfiles/letter\\_to\\_president\\_biden\\_on\\_israel.pdf](https://connolly.house.gov/uploadedfiles/letter_to_president_biden_on_israel.pdf).

<sup>74</sup> Jeff Stein and Jacob Bogage, “GOP targets Gaza’s biggest relief group, clashing with the White House,” *Washington* (continued...)



## 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>75</sup> Biden Administration officials also have become more vocal in their call for Israeli attentiveness to civilian casualties (such as Secretary of Defense Austin, as mentioned above).<sup>76</sup>

Congress may debate end-use monitoring (EUM) requirements for U.S. defense articles in the context of the conflict. U.S. aid and arms sales—including to Israel—are subject to laws such as the Arms Export Control Act (AECA) and Foreign Assistance Act (FAA). The AECA requires the Departments of State and Defense to conduct EUM to ensure that recipients of U.S. defense articles use such items solely for their intended purposes.<sup>77</sup> In addition, in February 2023, the Administration revised the U.S. Conventional Arms Transfer Policy, which states:

United States foreign policy and national security objectives are best advanced by facilitating arms transfers to trusted actors who will use them responsibly and who share United States interests. This policy recognizes that, when not employed responsibly, defense materiel can be used to violate human rights and international humanitarian law, increase the risk of civilian harm, and otherwise damage United States interests.<sup>78</sup>

In summer 2023, the Department of State announced the formation of the Civilian Harm Incident Response Guidance (CHIRG), a process whereby U.S. officials will “investigate reports of civilian harm by partner governments suspected of using U.S. weapons and recommend actions that could include suspension of arms sales.”<sup>79</sup> According to DOD, Civilian Harm Mitigation and Response Officers (CHMROs) are actively monitoring reports of civilian casualties in Gaza.

Subsequent media reports and reports by human rights groups have called into question the ability or willingness of the Administration to actively monitor Israel’s use of U.S.-supplied military equipment.<sup>80</sup> According to Mira Resnick, the Deputy Assistant Secretary for Regional Security at the State Department’s Bureau of Political-Military Affairs, “This is an extremely challenging space where there is fog of war, where there are challenges to our ability to get proper information.”<sup>81</sup>

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*Post*, November 11, 2023; Marc Rod, “Republicans signal concerns about aid to Palestinians, Ukraine in Israel funding request,” *Jewish Insider*, October 23, 2023.

<sup>75</sup> See, for example, Brian Finucane, “Is Washington Responsible for What Israel Does with American Weapons?” *Foreign Affairs*, November 17, 2023.

<sup>76</sup> U.S. 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>77</sup> CRS In Focus IF11197, *U.S. Arms Sales and Human Rights: Legislative Basis and Frequently Asked Questions*, by Paul K. Kerr and Michael A. Weber; CRS Report R46814, *The U.S. Export Control System and the Export Control Reform Act of 2018*, by Paul K. Kerr and Christopher A. Casey.

<sup>78</sup> White House, Memorandum on United States Conventional Arms Transfer Policy, February 23, 2023.

<sup>79</sup> Missy Ryan, “Biden administration will track civilian deaths from U.S.-supplied arms,” *Washington Post*, September 13, 2023.

<sup>80</sup> For example, see Amnesty International, “Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation,” December 5, 2023.

<sup>81</sup> Missy Ryan, Michael Birnbaum, Abigail Hauslohner and John Hudson, “Biden’s arming of Israel faces backlash as Gaza’s civilian toll grows,” *Washington Post*, December 9, 2023.

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## Acknowledgments

Former Research Assistant Michael H. Memari, CRS Geospatial Information Systems Analyst Molly Cox, and Visual Information Specialists Amber Wilhelm and Brion Long contributed to this report.

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