

# 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 23,000 Palestinians in Gaza have been killed as of January 10, 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 eight Americans. The United Nations has stated that the situation in Gaza, with an estimated 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 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 initially announced that Israel’s military objectives were “To destroy the military and governmental capabilities of Hamas and bring the hostages home.” As of early January, the Israel Defense Forces (IDF) seems to control much of northern Gaza above ground, while it engages in operations farther south targeting Hamas, including its top leaders. Hamas’s tunnels make urban warfare more challenging. Israeli officials reportedly have withdrawn several thousand troops and seek to complete a transition to lower-intensity operations in Gaza by the end of January. 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. While ultra-nationalists in the Israeli government have advocated resettling Palestinians outside of Gaza, U.S. officials have said that Palestinians “must not be pressed to leave Gaza” and “must be able to return home as soon as conditions allow.”

There are risks that the conflict could expand geographically, and U.S. officials have sought to reduce these risks. 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. officials are reportedly seeking to help facilitate the withdrawal of Hezbollah forces from border areas to alleviate obstacles to the return of around 80,000 evacuated Israelis to their homes in the north. Israeli officials have threatened possible military action if the issue is not resolved diplomatically. In the Red Sea, the Iran-supported Houthi militia in Yemen has attacked commercial vessels transiting the Bab al Mandab strait, leading several major shipping companies to suspend or reroute cargoes at considerable cost. To counter threats the Houthis pose, the United States is reportedly considering various military options. Additionally, amid violence and tensions between Palestinians and Israelis in the West Bank that could affect stability there, the Administration has imposed visa bans 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).

Differences between U.S., Israeli, and PA officials on post-conflict security and governance for Gaza may intensify the challenges involved. Netanyahu has insisted that only Israel can demilitarize Gaza, and openly opposes a PA return to power there. 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.

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; it resumed some shipments from the Kerem Shalom crossing in late December. Since the outbreak of conflict, Egypt, via consultations with U.S., Israeli, and U.N. officials, has coordinated the use of its Rafah crossing with Gaza 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, and has conducted major 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 early January, the Israel Defense Forces (IDF) seems to control much of northern Gaza above ground, 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 January 10, 2024, more than 1,200 Israelis and

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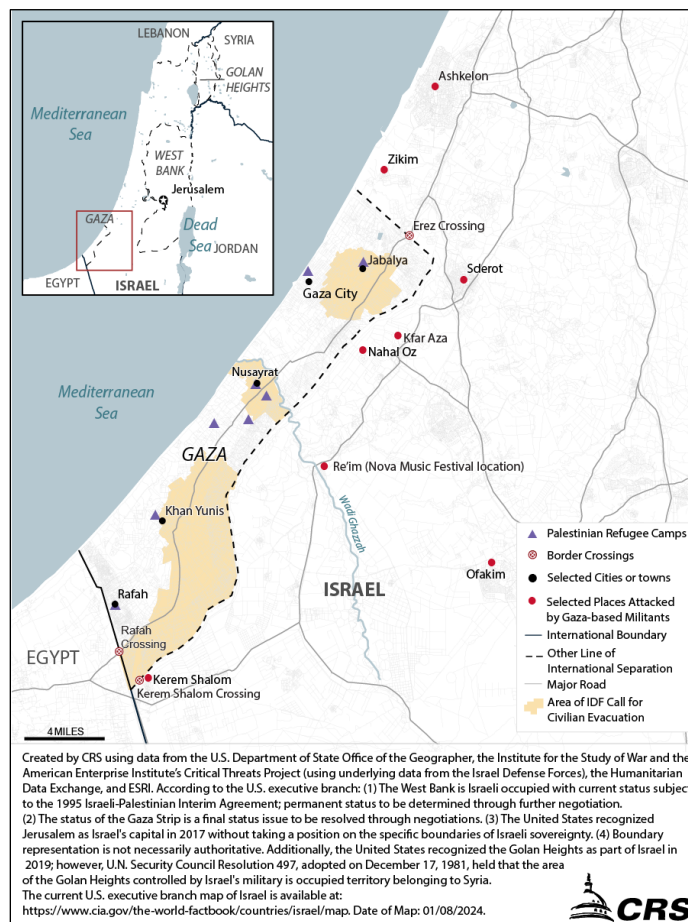
<sup>1</sup> Israeli Ministry of Foreign Affairs, "President Herzog reveals Hamas 'Captive Taking Handbook' in CNN interview," October 15, 2023; "Blinken calls sexual violence inflicted by Hamas 'beyond anything I've seen,'" CNN, December 10, 2023.

<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.

foreign nationals (including 35 U.S. citizens in Israel) and more than 23,000 Palestinians in Gaza had been killed, and over 60% of Gaza's housing units have been destroyed or damaged.<sup>4</sup>

**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 eight Americans, but reports suggest that some of these hostages could be dead.<sup>6</sup> As of early

<sup>4</sup> United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), "Hostilities in the Gaza Strip and Israel | Flash Update #89," January 10, 2024; "Hostilities in the Gaza Strip and Israel - reported impact | Day 95," January 10, 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 180 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> "Israeli defense chief resists pressure to halt Gaza offensive, says campaign will 'take time,'" Associated Press, (continued...)

January, negotiations are reportedly ongoing for more hostage-prisoner exchanges that could pause the fighting. Hamas may be bargaining for a cessation of hostilities and full release of the approximately 7,000 Palestinian prisoners in Israel's custody.<sup>7</sup> On January 2, senior Hamas official Saleh al Arouri was assassinated in Beirut, reportedly by Israel; Qatari officials have signaled that Arouri's killing could make a new hostage-prisoner deal more difficult.<sup>8</sup>

The conflict's impact on civilians has generated a humanitarian crisis. An estimated 1.9 million Gazans (out of a population of approximately 2.1 million people)<sup>9</sup> were reportedly displaced from their homes as of January 8, many on multiple occasions.<sup>10</sup> Roughly 1 million people reportedly fled south after the IDF "call[ed] for" the evacuation of civilians in northern Gaza in mid-October.<sup>11</sup> As of early January, there is major overcrowding in Gaza's Rafah governorate near the Egyptian border because of IDF operations in other parts of southern Gaza.<sup>12</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.<sup>13</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>14</sup> Netanyahu's initial stated objectives in Gaza were "To destroy the military and governmental capabilities of Hamas and bring the hostages home."<sup>15</sup> The conflict may be moving toward a new phase: Israeli officials reportedly have withdrawn tens of thousands of troops and seek to complete a transition to lower-intensity operations in Gaza by the end of January.<sup>16</sup> Netanyahu has reportedly said that Israel

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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. "Gallant's post-war Gaza plan: Palestinians to run civil affairs with global task force," *Times of Israel*, January 4, 2024. On December 15, Israeli forces killed three unarmed Israeli hostages who were attempting to surrender to them.

<sup>7</sup> Rory Jones et al., "Hamas Leader Studied His Enemy," *Wall Street Journal*, December 11, 2023.

<sup>8</sup> Barak Ravid, "Scoop: Qatar tells hostages' families that getting deal harder after Hamas leader's killing," *Axios*, January 6, 2024.

<sup>9</sup> Figures for Gaza's total population per Central Intelligence Agency World Factbook.

<sup>10</sup> UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #89," January 10, 2024.

<sup>11</sup> Israel Defense Forces, "IDF Announcement Sent to the Civilians of Gaza City," October 13, 2023; Isabel Kershner et al., "Israel Vows to Keep Up the Fight in Gaza as a Third Month of War Concludes," *New York Times*, January 8, 2024.

<sup>12</sup> UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #89," January 10, 2024.

<sup>13</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>14</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>15</sup> "Netanyahu says the Gaza war has entered a new stage and will be 'long and difficult,'" Associated Press, October 28, 2023.

<sup>16</sup> Gordon Fairclough, "Israeli Defense Chief Defends War Conduct," *Wall Street Journal*, January 8, 2024; Patrick Kingsley et al., "Israel Says Its Military Is Starting to Shift to a More Targeted Gaza Campaign," *New York Times*, January 8, 2024.



might accept the expulsion, rather than the killing or capture, of Hamas's top leaders.<sup>17</sup> Ultra-nationalists in the Israeli government have advocated resettling Palestinians outside of Gaza amid strong opposition from Arab states and U.S. officials; Secretary of State Antony Blinken has said that displaced Palestinians "must not be pressed to leave Gaza" and "must be able to return home as soon as conditions allow."<sup>18</sup>

U.S. and U.N. officials have sought to increase the provision of international assistance into Gaza. **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. As of early January, some international and humanitarian organizations have warned of "acute malnutrition and mortality breaching famine thresholds" in Gaza amid "intense conflict and restricted humanitarian access."<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. 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>20</sup> U.S. officials are reportedly seeking to help facilitate the withdrawal of Hezbollah forces from border areas to alleviate obstacles to the return of around 80,000 evacuated Israelis to their homes in the north.<sup>21</sup> Israeli officials have threatened wider military action to address the issue absent a diplomatic resolution, and the Arouri assassination and other January cross-border strikes by the two sides could affect their calculations regarding whether or not to escalate.<sup>22</sup>

In the Red Sea, the Iran-supported **Houthi militia in Yemen** has fired several missiles and drones toward Israel, and has carried out at least 26 attacks on shipping lanes that transit the Bab al Mandab strait.<sup>23</sup> Despite repeated international warnings, the Houthis have continued such attacks, forcing, in many cases, the rerouting of commercial shipping around the Cape of Good Hope and away from the Red Sea and Suez Canal.

Tensions and violence have continued between Palestinians and Israelis in the **West Bank** since October 7. 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>24</sup> U.S. officials and lawmakers have signaled concerns related to Israeli actions in the West Bank that may affect stable living

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<sup>17</sup> Michael Horovitz, "Expulsion of Hamas leaders from Gaza on the table, PM said to tell hostage families," *Times of Israel*, January 3, 2024.

<sup>18</sup> Department of State, "Secretary Antony J. Blinken and Qatari Prime Minister and Minister of Foreign Affairs Mohammed bin Abdulrahman Al Thani at a Joint Press Availability," January 7, 2024.

<sup>19</sup> UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #88," January 9, 2024; UNICEF, "Intensifying conflict, malnutrition and disease in the Gaza Strip creates a deadly cycle that threatens over 1.1 million children," January 5, 2024.

<sup>20</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.

<sup>21</sup> 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 76,000) to their homes. Department of State, "Secretary Antony J. Blinken at a Press Availability," January 9, 2024.

<sup>22</sup> Euan Ward et al., "Israel says it killed another Hezbollah commander after back-and-forth attacks," *New York Times*, January 9, 2024.

<sup>23</sup> "US, UK forces repel 'largest attack' by Houthis in Red Sea," Reuters, January 10, 2024.

<sup>24</sup> Palestinian Center for Policy and Survey Research, "Public Opinion Poll No. 90," published December 13, 2023.

conditions for Palestinians. The Administration has imposed visa bans on some extremist Israeli settlers,<sup>25</sup> delayed a firearms shipment to Israel,<sup>26</sup> and has called on Israel to ease or end measures that have precipitously decreased PA revenues since October 7.<sup>27</sup>

As civilian casualties have mounted in Gaza, some regional actors have grown more publicly critical of Israeli and U.S. policy. Popular sentiment in **Arab states** has placed pressure on their 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 Gaza,” more humanitarian aid, and a freeze on international arms exports to Israel.<sup>30</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.” 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.”

## 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 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>31</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. In December, President Biden said, “We continue to provide military assistance to Israel ... until they get rid of Hamas,”<sup>32</sup> while also warning that Israel has started to lose international

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<sup>25</sup> Department of State, “Announcement of Visa Restriction Policy to Promote Peace, Security, and Stability in the West Bank,” December 5, 2023.

<sup>26</sup> Nancy A. Youssef and Vivian Salama, “Washington Is Blocking Shipment of Rifles to Israel,” *Wall Street Journal*, December 14, 2023.

<sup>27</sup> Department of State, “Secretary Antony J. Blinken at a Press Availability,” January 9, 2024; “In ‘frustrating’ call, Biden said to tell PM to resolve Palestinian tax funds issue,” *Times of Israel*, December 29, 2023; Polina Ivanova and James Shotter, “Israel is pushing Palestinian governance to ‘edge of the edge’, PM warns,” *Financial Times*, January 4, 2023.

<sup>28</sup> Cathrin Schaer, “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> Biden, “The U.S. won’t back down from the challenge of Putin and Hamas.”

<sup>32</sup> White House, “Remarks by President Biden at a Hanukkah Holiday Reception,” December 11, 2023.



support “by the indiscriminate bombing that takes place.”<sup>33</sup> In early January, a National Security Council spokesperson said the Israeli goal of 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> U.S. and PA officials have reportedly discussed possible mechanisms for improving PA institutions, 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>38</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 the PA provides for terrorism.<sup>39</sup> Netanyahu’s position may stem partly from concerns that a return to PA governance in both the West Bank and Gaza could increase international pressure on Israel to accept a two-state solution. He also may calculate that his opposition to PA rule 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 attack could lead to his government’s collapse and new Knesset elections sometime in 2024.<sup>40</sup> Some of Netanyahu’s advisers may be signaling openness to the possibility of a future role in Gaza for a reformed PA.<sup>41</sup> Prospects for any Hamas role in

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

<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, 2023.

<sup>38</sup> “US wants shakeup of Palestinian Authority to run Gaza after Hamas,” Reuters, December 16, 2023.

<sup>39</sup> Benjamin Netanyahu, “Israel’s Three Prerequisites for Peace,” *Wall Street Journal*, December 26, 2023.

<sup>40</sup> See, for example, Anshel Pfeffer, “Israel Is at War, and Netanyahu Just Launched His Re-election Campaign,” *Haaretz*, December 12, 2023.

<sup>41</sup> Cloud, “Israel Eases Opposition to Palestinian Rule.”

post-conflict PA governance, which some leading PA figures appear to be discussing, would likely encounter U.S. and Israeli opposition.<sup>42</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 fundamental aspects of post-conflict governance and security. In early January, Defense Minister Gallant proposed a plan for eventual Palestinian civil administration in Gaza that would (1) maintain existing Palestinian administrative mechanisms, with officials and local clans unaffiliated with Hamas; (2) give Israel broad responsibility to prevent security threats against Israel, including via coordination with Egypt at its border with Gaza; and (3) empower a multinational task force (featuring the United States and some European and Arab states) on aspects of civil affairs and economic recovery.<sup>43</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>44</sup> with training presumably under the auspices of the U.S. Security Coordinator for Israel and the Palestinian Authority (USSC).<sup>45</sup>
- **Arab states’ role.** Egypt, Jordan, and Arab Gulf states may be reluctant to help with efforts to 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>46</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 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 early January 2024, the USS *Dwight D. Eisenhower* carrier strike group is positioned in the Red Sea, and the USS *Bataan* Amphibious Ready Group (ARG) is positioned in the eastern Mediterranean.<sup>47</sup> The USS *Gerald R. Ford* carrier strike group is returning home after eight months at sea, the last three of which were spent positioned in the Middle East to deter Iranian-supported groups.

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<sup>42</sup> Benoit Faucon et al., “Hamas Starts Planning for End of Gaza War,” *Wall Street Journal*, December 20, 2023.

<sup>43</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>44</sup> Benoit Faucon et al., “U.S. Presses Palestinians to Plan for Postwar Security,” *Wall Street Journal*, December 16, 2023.

<sup>45</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>46</sup> “US officials discuss post-war Gaza governance plans with Palestinian Authority and Arab nations,” CNN, December 8, 2023.

<sup>47</sup> “USNI News Fleet and Marine Tracker,” *USNI News*, January 4, 2024.

## 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 120 attacks against U.S. forces stationed in Iraq and Syria. The United States has conducted several air strikes in retaliation; in early January, a precision U.S. strike killed a senior commander from the Iran-backed Harakat al Nujaba (HaN), a U.S. Specially Designated Global Terrorist group based in Iraq.<sup>48</sup>

In response to Houthi attacks in the Red Sea, the U.S. Navy has positioned multiple warships to intercept those attacks and formed “Operation Prosperity Guardian,” a multinational coalition to safeguard freedom of navigation in the Red Sea area. On January 3, 2024, the White House, along with various U.S. partners, issued a formal warning to the Houthis, stating that “The Houthis will bear the responsibility of the consequences should they continue to threaten lives, the global economy, and free flow of commerce in the region’s critical waterways.”<sup>49</sup> Some Members of Congress have called on the Biden Administration to redesignate the Houthis as an FTO.<sup>50</sup> According to one report, the Administration is reviewing whether to do so.<sup>51</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 December 2023, one report indicates that since October 7, the United States has dispatched 240 transport planes and 20 ships to deliver more than 10,000 tons of armaments and equipment to Israel; the same report notes that Israel also has ordered \$2.8 billion in additional purchases from the United States.<sup>52</sup> Since early December 2023, U.S. munition deliveries have included: about 15,000 bombs and 57,000 artillery shells.<sup>53</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>54</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

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<sup>48</sup> Department of Defense, “Self-Defense Strike in Iraq Kills Terrorist Leader,” DOD News, January 4, 2024.

<sup>49</sup> White House, “A Joint Statement from the Governments of the United States, Australia, Bahrain, Belgium, Canada, Denmark, Germany, Italy, Japan, Netherlands, New Zealand, Republic of Korea, Singapore, and the United Kingdom,” January 3, 2024.

<sup>50</sup> House Foreign Affairs Committee, “Chairman McCaul Issues Statement on Houthi Threat,” December 4, 2023.

<sup>51</sup> Jennifer Jacobs, “US to Review Terrorist Label for Houthis After Ship Seized,” Bloomberg, November 21, 2023.

<sup>52</sup> “244 US cargo planes, 20 ships deliver over 10,000 tons of military equipment to Israel — report,” *Times of Israel*, December 25, 2023.

<sup>53</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>54</sup> Defense Security Cooperation Agency, “Israel—M830a1 120mm Tank Cartridges,” December 9, 2023.

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>55</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>56</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>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>

## 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>60</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-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

<sup>55</sup> Alex Gangitano, “Senate Democrats scoff at Biden’s Israel arms sale,” *The Hill*, January 3, 2024.

<sup>56</sup> White House, “U.S. Announcement of Humanitarian Assistance to the Palestinian People,” October 18, 2023.

<sup>57</sup> USAID, Levant Complex Emergency Fact Sheet #2, December 7, 2023.

<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> 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>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> 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>.

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 other 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-introduced bill does not. The Senate-introduced 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 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>61</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>62</sup> Other Members have voiced opposition to efforts to “tie the hands of Israel” or condition assistance.<sup>63</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>64</sup>

Senator Bernie Sanders has introduced S.Res. 504, a privileged resolution, which, if passed by the Senate by a simple majority vote, would mandate that within 30 days of passage, the State Department must provide Congress with information on Israel’s human rights practices 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.

### 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>65</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>66</sup> while others have expressed concerns that Hamas or other militants could divert aid shipments for their own use.<sup>67</sup>

<sup>61</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>62</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>63</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>64</sup> Rachel Oswald, “Push to arm Israel reveals more Democrats urging conditions,” *CQ News*, December 4, 2023.

<sup>65</sup> See <https://www.whitehouse.gov/wp-content/uploads/2023/10/Summary-of-Funding-Request-to-Meet-Critical-Needs.pdf>.

<sup>66</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>67</sup> Jeff Stein and Jacob Bogage, “GOP targets Gaza’s biggest relief group, clashing with the White House,” *Washington Post*, November 11, 2023; Marc Rod, “Republicans signal concerns about aid to Palestinians, Ukraine in Israel funding request,” *Jewish Insider*, October 23, 2023.



## 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>68</sup> Biden Administration officials also have become more vocal in their call for Israeli attentiveness to civilian casualties.<sup>69</sup> In an early January press conference, a State Department spokesperson remarked that while the United States has seen Israel “take additional measures to deconflict sites,” the “results continue to be – to not match where the Israeli intentions are.”<sup>70</sup> In mid-December 2023, CNN reported that a U.S. intelligence assessment compiled by the Office of the Director of National Intelligence concluded that “40-45% of the 29,000 air-to-ground munitions Israel has used [in Gaza since October 7] have been unguided.”<sup>71</sup> A *Wall Street Journal* report from late December investigating a bombing in which Israel killed a senior Hamas commander and 126 other individuals, concluded that while Israeli commanders attempted to limit collateral damage, the bombing of underground tunnels also brought down buildings standing above.<sup>72</sup> In a December video, Israel Air Force (IAF) Chief of Staff Brig. Gen. Omer Tischler described the principles IAF officers are instructed to follow when planning potential air strikes.<sup>73</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>74</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>75</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>76</sup>

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<sup>68</sup> See, for example, Brian Finucane, “Is Washington Responsible for What Israel Does with American Weapons?” *Foreign Affairs*, November 17, 2023.

<sup>69</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>70</sup> Department of State Press Briefing, January 4, 2024.

<sup>71</sup> Natasha Bertrand and Katie Bo Lillis, “US intelligence assessment finds nearly half of Israeli munitions dropped on Gaza are imprecise ‘dumb bombs,’” CNN, December 13, 2023.

<sup>72</sup> David S. Cloud, Dov Lieber and Omar Abdel-Baqi, “How an Israeli Airstrike on a Hamas Commander Also Killed Scores of Civilians,” *Wall Street Journal*, December 28, 2023.

<sup>73</sup> Emanuel Fabian, “IAF: Gaza strikes precise, there’s no indiscriminate bombing, but mistakes can happen,” *Times of Israel*, December 28, 2023.

<sup>74</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>75</sup> White House, Memorandum on United States Conventional Arms Transfer Policy, February 23, 2023.

<sup>76</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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