

Israel and Hamas October 2023 Conflict: Frequently Asked Questions (FAQs)

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Israel and Hamas October 2023 Conflict: Frequently Asked Questions (FAQs)

On October 7, 2023, Gaza Strip-based militants led by the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) engaged in a series of surprise attacks by land, sea, and air against Israel. 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 that sparked the 1973 Yom Kippur War. Hamas reportedly receives much of its funding, weapons, and training from Iran. The Biden Administration has stated publicly that it does not have evidence that the Iranian government had a planning role. National Security Advisor Jake Sullivan has described Iran as “complicit in this attack in a broad sense” given the level of support it has provided Hamas for years. The attacks’ scope and lethality against Israel have no precedent in the 16 years Hamas has controlled Gaza. The nature of the violence stunned Israelis; apparent intelligence and operational failures in preventing the assault surprised Israeli, U.S., and other Western officials.

In response, Israel’s cabinet formally declared war on Hamas, with Prime Minister Benjamin Netanyahu asserting that Israel will win a long and difficult campaign. As it seeks to keep militants out of Israeli territory, target them in densely populated Gaza, and recover hostages, the Israeli government has halted the supply of electricity, food, water, and fuel to Gaza. Israeli officials have said that fundamental changes to the status quo are necessary to reestablish security for Israel, but have not specified whether they intend to attempt to end Hamas’s rule in Gaza. Following the attacks, Israel has initiated an aerial bombardment campaign in Gaza, mobilized hundreds of thousands of reserve troops, and repositioned ground forces close to Gaza. On October 13, the Israel Defense Forces called for the evacuation of all civilians in Gaza City “from their homes southward for their own safety and protection.” Hamas called on people to remain in place. U.N. officials expressed concern about potentially grave humanitarian consequences.

On October 11, Israeli Prime Minister Benjamin Netanyahu formed an emergency unity government that has brought former Defense Minister Benny Gantz into the existing coalition, supposedly for the duration of the war in Gaza. Netanyahu, Gantz, and current Defense Minister Yoav Gallant are to comprise a cabinet to manage war-related efforts, and have agreed that no unrelated legislation or government resolutions—including on Israel’s judicial system—will be advanced during that time.

Reportedly, more than 1,300 Israelis (and at least 27 American civilians) and about 1,800 Palestinians in Gaza have been killed as of October 13, with Israel reporting that the bodies of around 1,500 dead attackers have been found in southern Israeli areas recaptured by its military. Additionally, militants are reportedly holding an estimated 200 persons hostage in Gaza (including some Americans). Reportedly hundreds of American citizens are in Gaza, and the U.S. government is discussing safe passage for them with Egypt and Israel.

Previous Israel-Hamas conflicts in 2008-2009, 2012, 2014, and 2021 have had various durations, featured varying weapons and tactics, and killed thousands of Palestinians and dozens of Israelis, including civilians on both sides. Since Hamas forcibly seized Gaza from the Palestinian Authority (PA) in 2007, Gaza has faced crisis-level economic and humanitarian conditions, partly owing to broad restrictions that Israel and Egypt—citing security concerns—have imposed on the transit of people and goods. Egypt and Qatar helped mediate conflict and provided basic resources in the wake of the four past major conflicts, but Gaza has not experienced broader economic recovery or reconstruction. On October 12, an Israeli cabinet minister said Israel would continue restrictions on goods and services to Gaza until Israeli hostages are released. Some observers have expressed concern for the effects these measures and Israeli military operations may have on hospitals, medical care, and civilian well-being.

Hamas’s attack preparations may have extended over several years. Possible motivating factors for the attacks’ timing include the potential to disrupt Arab-Israeli normalization efforts, bolster Hamas’s domestic position, capitalize on Israeli political turmoil, and use hostages as leverage for prisoner releases or other concessions from Israel. Per some analysts, the Hamas attack has put the West Bank-based PA in a difficult position, unwilling to embrace Hamas and its attack on Israel, but also unable to denounce them for fear of alienating West Bank Palestinians.

Exchanges of fire between Israel and the Iran-backed Shia Islamist group Lebanese Hezbollah (another FTO) after the October 7 outbreak of conflict have fueled speculation that Hezbollah could create a second front at the Israel-Lebanon border. U.S. officials have reportedly conveyed to Lebanese officials the message that “Hezbollah must not get involved.” U.S. statements and actions, including the expediting of arms deliveries to Israel (for the Iron Dome anti-rocket system and other materiel) and the repositioning of a carrier strike group into the Eastern Mediterranean, appear calculated to bolster deterrence. U.S. officials have stated that they do not intend the use of U.S. ground forces, but, according to media accounts, they are reportedly deliberating about what might or might not “trigger U.S. military involvement.”

Congress may consider whether or not to provide military assistance to Israel, including via presidential drawdown authority, emergency arms sales, or U.S. weapons stockpiles in Israel. Congress also may weigh whether or not to provide humanitarian assistance for Israelis and Palestinians, enact sanctions on or related to Hamas or other FTOs (including on cryptocurrency exchanges), and conduct general oversight or efforts to influence relevant parties.

Additional FAQs in this report address the following topics:

- Hamas, its supporters, and prior Israel-Hamas conflicts.
- Conditions in the region (including Israel, Gaza, the West Bank, and Jerusalem) and for the relevant parties at the outbreak of conflict.
- The status of hostages taken from Israel.
- Consular services for U.S. citizens in the region.
- Humanitarian and related international legal considerations.
- International responses (including from Arab states, Iran, Russia, China, and the United Nations).
- U.S. terrorist designations and their legal and policy implications.

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Conflict overview

On October 7, 2023, Gaza Strip-based militants led by the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) engaged in a series of surprise attacks by land, sea, and air against Israel. Palestine Islamic Jihad forces also claimed to have participated in the attacks, and other militants also may have participated. 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 that sparked the 1973 Yom Kippur War. The attacks' scope and lethality against Israel have no precedent in the 16 years Hamas has controlled Gaza. The nature of the violence stunned Israelis and many others; apparent intelligence and operational failures in preventing the assault surprised Israeli, U.S., and other Western officials.

In response, Israel's cabinet formally declared war on Hamas, with Prime Minister Benjamin Netanyahu asserting that Israel will win a long and difficult campaign. Israel has taken steps to halt the supply of electricity, food, water, and fuel to Gaza and has mobilized troops and initiated an aerial bombardment campaign there. Already adverse humanitarian conditions in Gaza reportedly are worsening under conditions of conflict. On October 13, the Israel Defense Forces (IDF) called for the evacuation of all civilians in Gaza City "from their homes southward for their own safety and protection."¹ Hamas called on people in these areas to remain in place.² U.N. officials expressed concern about potentially grave humanitarian consequences.³ There are reportedly hundreds of American citizens in Gaza, many of whom may be seeking to leave; the White House has stated that it is in negotiations with Israel and Egypt on arranging safe passage for them.

The possible role of Iran in the planning, support, or execution of the Hamas attacks is a question of keen interest to many Members of Congress. The Biden Administration has stated publicly that it does not have evidence that the Iranian government had a planning role. National Security Advisor Jake Sullivan has described Iran as "complicit in this attack in a broad sense" given the level of support it has provided Hamas for years.⁴ One news report, citing an unnamed U.S. official, described a preliminary unclassified intelligence report that found that Iran probably knew that Hamas was planning an attack on Israel without knowing its precise timing or scope.⁵ Iranian officials have described the attacks as a Palestinian initiative and praised the assault.

Reportedly, more than 1,300 Israelis (and at least 27 American citizens) and about 1,800 Palestinians in Gaza had been killed as of October 13,⁶ with Israel reporting that the bodies of around 1,500 dead militants had been found as of October 10 in southern Israeli areas recaptured by its military.⁷ Additionally, Hamas and other militants aligned with them are reportedly holding

¹ Israel Defense Forces (@IDF), post on X (formerly Twitter), 1:50 AM EST, October 13, 2023.

² "Hamas tells Gaza residents to stay home as Israel ground offensive looms," Reuters, October 13, 2023.

³ "UN says Israel wants 1.1 million Gazans moved south," Reuters, October 12, 2023.

⁴ White House, "Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan," October 10, 2023.

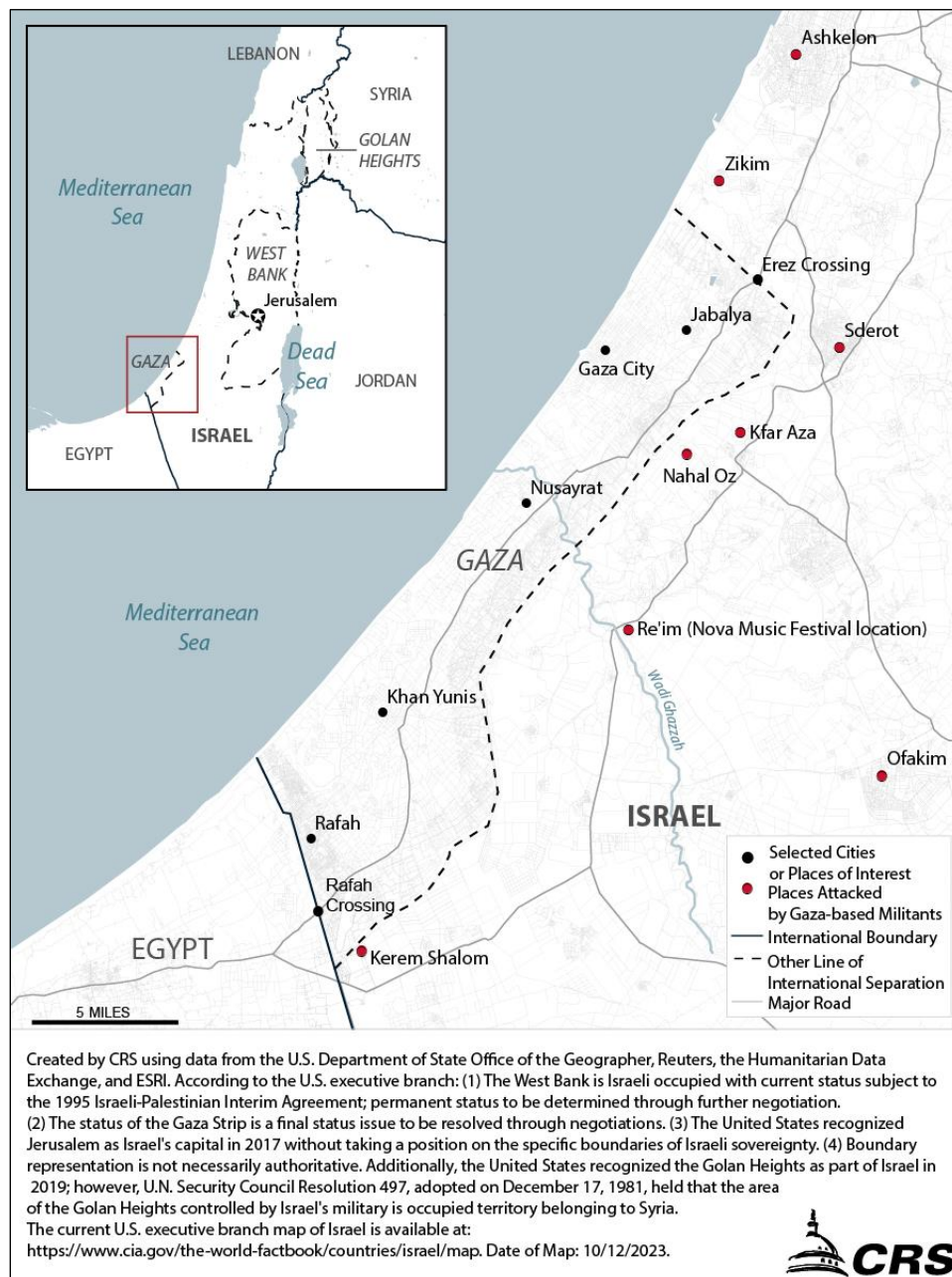
⁵ Warren P. Strobel and Michael R. Gordon, "U.S. Says Iran Knew of Planning—Tehran's leaders were likely surprised by timing and scale of Hamas operation," *Wall Street Journal*, October 12, 2023.

⁶ Israeli and Palestinian authorities' figures cited in "Israel-Hamas war rages as Palestinian death toll in Gaza rises from attacks," CNN Live Updates, October 13, 2023; U.S. total from White House, "Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby," October 12, 2023.

⁷ Dov Lieber, "1,500 Hamas Fighters Found Dead in Israel," *Wall Street Journal*, October 12, 2023.

approximately 200 persons hostage in Gaza,⁸ and a Hamas spokesperson threatened to kill hostages in the event of unannounced Israeli strikes on civilian homes in Gaza.⁹

Figure 1. Some Major Sites of October 2023 Attacks Inside Israel



⁸ Estimate presented with official Israeli casualty estimates in Emanuel Fabian, "Israel girds for long war as death toll since Hamas terror onslaught passes 1,300," *Times of Israel*, October 12, 2023.

⁹ An individual identified as Abu Ubaydah of the Al Qassam Brigades said, "Going forward, we announce that each time our peaceful people are targeted in their houses without a prior notice, we will respond by executing one of the civilian hostages. We will video the execution and broadcast it. We hold the enemy accountable for this decision before the world. The ball is in its court." Al Jazeera Satellite Television, October 9, 2023, 1700 GMT.

Previous major Israel-Hamas conflicts

Previous Israel-Hamas conflicts in 2008-2009, 2012, 2014, and 2021 (see textbox below) have had various durations, have featured varying weapons and tactics, and in total have killed thousands of Palestinians and dozens of Israelis, including civilians on both sides. In the aftermath of each conflict, international attention focused on the following unfulfilled goals:

- improving humanitarian conditions and economic opportunities for Palestinians in Gaza; and
- preventing Hamas and others from rearming and rebuilding military capacity.

Past rounds of Israel-Hamas fighting have included indiscriminate Hamas rocket fire into Israel, Israeli air strikes in Gaza, humanitarian concerns on both sides, and Israel's deployment of the Iron Dome anti-rocket system – features similarly occurring in the current conflict. Israel launched some ground operations in the 2008-2009 and 2014 conflicts but ultimately withdrew its forces. On October 13, Israel appeared prepared to initiate a major ground operation into Gaza. An Israeli attempt to permanently end Hamas's presence in and control of Gaza would differ from previous Israeli responses and presumably would result in a prolonged conflict with higher casualties on both sides.

Israel-Hamas Conflicts, 2008-2021

December 2008-January 2009

- Key features: Three-week duration; first meaningful display of Palestinians' Iranian-origin rockets; Israeli air strikes; Israeli ground operation
- Political context: Impending leadership transitions in Israel and United States; struggling Israeli-Palestinian peace talks (Annapolis process)
- Fatalities: More than 1,100 (possibly more than 1,400) Palestinians, 13 Israelis (three civilians)

November 2012

- Key features: Eight-day duration; Palestinian projectiles of greater range and variety; Israeli air strikes; prominent role for Israel's Iron Dome anti-rocket system (which became operational in 2011)
- Political context: Widespread Arab political change, including rise of Muslim Brotherhood to power in Egypt; three months before Israeli elections
- Fatalities: More than 100 Palestinians, six Israelis (four civilians)

July-August 2014

- Key features: About 50-day duration; Palestinian projectiles of greater range and variety; Israeli air strikes and ground operations; extensive Palestinian use of and Israeli countermeasures against tunnels within Gaza; prominent role for Iron Dome
- Political context: Shortly after an unsuccessful round of Israeli-Palestinian peace talks and the prominent killings of Israeli and Palestinian youth in the West Bank and Jerusalem
- Fatalities: More than 2,100 Palestinians, 71 Israelis (five civilians), and one foreign national

May 2021

- Key features: 11-day duration; unprecedented Palestinian rocket barrages into central Israel; Israeli air and artillery strikes; prominent role for Iron Dome; major Arab-Jewish unrest within Israel for much of the conflict
- Political context: Tensions over Jerusalem during Ramadan; new U.S. presidential Administration; significant domestic political uncertainty for both Israelis and Palestinians (including recent postponement of Palestinian Authority elections).
- Fatalities: More than 240 Palestinians, 12 in Israel (including two foreign nationals)

What is Hamas and who supports it?

Overview

Hamas, or the Islamic Resistance Movement, is a Palestinian Islamist military and sociopolitical movement that grew out of the Muslim Brotherhood, a Sunni religious and political organization founded in Egypt in 1928 that has branches throughout the world.¹⁰ Hamas emerged in Gaza in the late 1980s, and established itself as an alternative to the secular Fatah movement in the 1990s by violently attacking Israeli targets after Fatah had entered into a peace process with Israel. Over time, Hamas has attacked or repressed Palestinian political and factional opponents.

After Israel withdrew military forces from Gaza in 2005, Hamas forcibly seized the territory from the Fatah-controlled Palestinian Authority (PA) in 2007. Hamas has both political and military components and exercises de facto government authority and manages service provision in Gaza. Hamas controls Gaza through its security forces and obtains resources from smuggling, informal “taxes,” and reported external assistance. According to the U.S. State Department, “Hamas has received funding, weapons, and training from Iran and raises funds in Persian Gulf countries. The group receives donations from some Palestinians and other expatriates as well as from its own charity organizations.”¹¹ One media report has suggested that during this decade, Hamas has received some of its funding in cryptocurrency.¹²

Yahya Sinwar, Hamas’s leader for Gaza, came from Hamas’s military wing (see below). Aside from those living in Gaza and the West Bank, some Hamas leaders and personnel may live in Arab countries and Turkey. Hamas’s political bureau leader, Ismail Haniyeh, appears to be based in Doha, Qatar.

Hamas and other Gaza-based militants have engaged in occasional conflict with Israel since Hamas seized Gaza by force in 2007. During the major conflicts in 2008-2009, 2012, 2014, and 2021, Hamas and other militants launched rockets indiscriminately toward Israel, and Israeli military strikes largely decimated Gaza’s infrastructure.

Since 2007, Gaza has faced crisis-level economic and humanitarian conditions, partly owing to broad restrictions that Israel and Egypt—citing security concerns—have imposed on the transit of people and goods. Gazans face chronic economic difficulties and shortages of electricity and safe drinking water.¹³ Because Gaza does not have a self-sufficient economy, external assistance largely sustains humanitarian welfare. Egypt and Qatar helped mediate conflict and provided basic resources in the wake of the four past major conflicts, but Gaza has not experienced broader economic recovery or reconstruction (see “What were prevailing conditions like in Gaza before the attacks? What policy challenges has Gaza presented?” below).

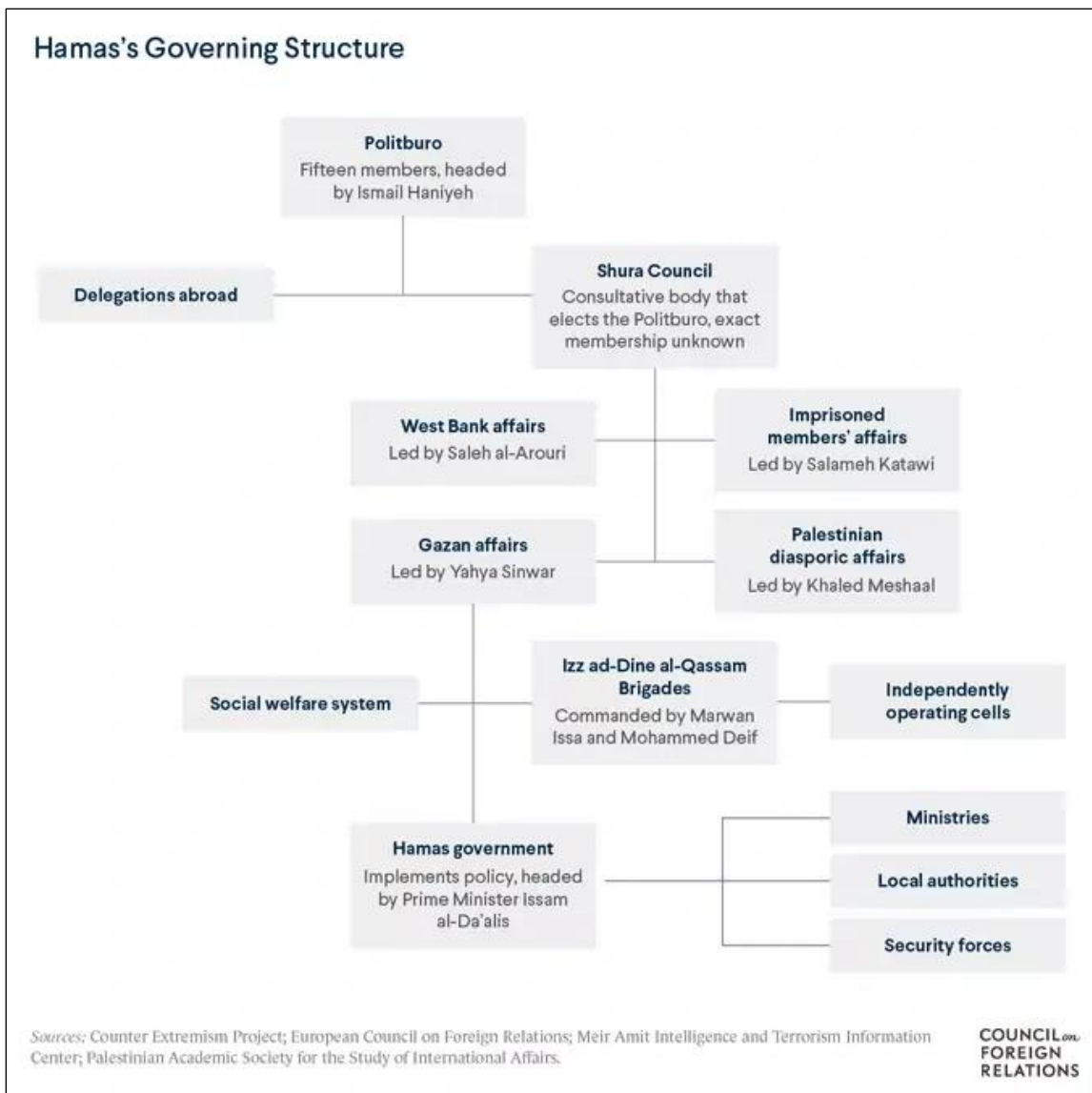
¹⁰ U.S. State Department, Country Reports on Terrorism, 2021, released February 2023.

¹¹ Ibid.

¹² Angus Berwick and Ian Talley, “Hamas Militants Behind Israel Attack Raised Millions in Crypto,” *Wall Street Journal*, October 10, 2023.

¹³ For information on the situation, see U.N. Office for the Coordination of Humanitarian Affairs occupied Palestinian territory (OCHA-oPt), Gaza Strip: Critical Humanitarian Indicators, <https://www.ochaopt.org/page/gaza-strip-critical-humanitarian-indicators>.

Figure 2. Hamas Organization and Personnel



Source: Council on Foreign Relations using noted sources, October 2023.

Hamas's military wing, the Izz al Din al Qassam Brigades,¹⁴ has killed hundreds of Israelis¹⁵ and more than two dozen U.S. citizens (including some dual U.S.-Israeli citizens)¹⁶ in attacks since 1993. As the Qassam Brigades developed from a small band of guerrillas into a more sophisticated organization with access to greater resources and territorial control, its methods of attack evolved from small-scale kidnappings and killings of Israeli military personnel to suicide bombings and rocket attacks against Israeli civilians. The planning, preparation, and implementation of the October 7, 2023, attacks in Israel apparently demonstrate a further evolution in the Qassam Brigades' capabilities, including the use of drone munitions, personnel-capable gliders, and complex infantry operations featuring thousands of personnel attacking across Israeli-controlled lines along multiple axes.

Hamas's ideology combines Palestinian nationalism with Islamic fundamentalism. Hamas's founding charter committed the group to the destruction of Israel and the establishment of an Islamic state in all of historic Palestine.¹⁷ A 2017 document updated Hamas's founding principles. It stated that Hamas sees its conflict as being with the "Zionist project," rather than Jews in general, and expressed willingness to accept a Palestinian state within the 1949/50-1967 armistice lines if it results from "national consensus," while rejecting Zionism completely and stating Hamas's preference for the establishment of an Islamist Palestinian state from the Jordan River to the Mediterranean Sea and from the southern Israeli city of Eilat to the Lebanese border.¹⁸ (For background on the history of Arab-Israeli and Israeli-Palestinian conflict, see Appendix B in CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.)

Having consolidated control over Gaza, and pursuing popular support through armed attacks on Israel, Hamas has appeared to seek to compete politically with other Palestinian movements or establish its indispensability to a future negotiated Israeli-Palestinian political arrangement. Hamas's 2017 document states that the group remains open to democratic political competition with Palestinian rivals, but underscores goals incompatible with recent Arab-Israeli normalization diplomacy. Elections have not occurred in Gaza since 2007, and Hamas appears to maintain strict control over political activity in areas under its control. Human rights organizations, including Amnesty International and Human Rights Watch, have documented Hamas human rights violations against Palestinian civilians and violence against Israelis.

Foreign terrorist organization designation and consequences¹⁹

The U.S. government designated Hamas as a foreign terrorist organization (FTO) on October 8, 1997. (The Iran-backed Shia Islamist group Lebanese Hezbollah (or Hizballah) was designated as an FTO on the same date.) The State Department's Bureau of Counterterrorism (CT) is

¹⁴ Izz al Din al Qassam was a Muslim Brotherhood member, preacher, and leader of an anti-Zionist and anti-colonialist resistance movement in historic Palestine during the British Mandate period. He was killed by British forces in 1935.

¹⁵ Figures sourced from Jewish Virtual Library website at <http://www.jewishvirtuallibrary.org/jsource/Terrorism/TerrorAttacks.html> and <https://www.jewishvirtuallibrary.org/comprehensive-listing-of-terrorism-victims-in-israel>. In the aggregate, other Palestinian militant groups (such as Palestine Islamic Jihad, the Fatah-affiliated Al Aqsa Martyrs' Brigades, and the Popular Front for the Liberation of Palestine) also have killed scores, if not hundreds, of Israelis since 1993.

¹⁶ Figures sourced from Jewish Virtual Library website at <http://www.jewishvirtuallibrary.org/jsource/Terrorism/usvictims.html>.

¹⁷ For an English translation of the 1988 Hamas charter, see http://avalon.law.yale.edu/20th_century/hamas.asp.

¹⁸ "Hamas in 2017: The document in full," *Middle East Eye*, May 1, 2017. This document, unlike the 1988 charter, does not identify Hamas with the Muslim Brotherhood.

¹⁹ Prepared by John Rollins, Specialist in Terrorism and National Security. For more information, see CRS In Focus IF10613, *Foreign Terrorist Organization (FTO)*, by John W. Rollins.

responsible for identifying entities for designation as an FTO. Prior to doing so, the Department is obligated to demonstrate that the entity in question engages in “terrorist activity” or retains the capability and intent to engage in terrorist activity or terrorism.²⁰ When assessing entities for possible designation, the CT Bureau looks not only at the actual terrorist attacks that a group has carried out, but also at whether the group has engaged in planning and preparations for possible future acts of terrorism or retains the capability and intent to carry out such acts.

Entities placed on the FTO list are suspected of engaging in terrorism-related activities. By designating an entity as an FTO, the United States seeks to limit the group’s financial, property, and travel interests. Per Section 219 of the INA, as amended by Section 302 of the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132), the Secretary of State must demonstrate that the entity of concern has met the three criteria to allow the Department to designate it as an FTO. The suspected terrorist group must:

- be a foreign organization,
- engage in or retain the capability and intent to engage in terrorism, and
- threaten the security of U.S. nationals or the national defense, foreign relations, or the economic interests of the United States.

In general, the designation of an entity, such as Hamas, as an FTO leads or may lead to the following consequences:

- It is unlawful for a person in the United States or subject to the jurisdiction of the United States to knowingly provide “material support or resources” to a designated FTO.
- Representatives and members of a designated FTO, if they are aliens, are inadmissible to, and in certain circumstances removable from, the United States.
- The Secretary of the Treasury may require U.S. financial institutions possessing or controlling any assets of a designated FTO to block all transactions involving those assets.
- May motivate efforts by the U.S. government and other nations to curb terrorism financing.
- May stigmatize and isolate the FTO outside of its established support base.
- May deter donations or contributions to and economic transactions with the FTO.
- May heighten public awareness and knowledge of the FTO and terrorist organizations more generally.
- May signal to other governments U.S. concern about designated organizations.

Hamas’s relationship with Iran

The Iranian government has supported Hamas for decades, going back nearly to the group’s inception.²¹ Iranian officials met with Hamas leaders and expressed public backing for the group

²⁰ As defined in Section 212 (a)(3)(B) of the Immigration and Nationality Act (INA) (8 U.S.C. §1182(a)(3)(B)), or “terrorism,” as defined in Section 140(d)(2) of the Foreign Relations Authorization Act (FRAA), Fiscal Years 1988 and 1989 (FRAA) (22 U.S.C. §2656f(d)(2)).

²¹ The Iranian government has backed terrorist groups since the early 1980s, focused initially on supporting the Shia (continued...)

and its goals beginning in the early 1990s, as Hamas sought to take up the mantle of Palestinian resistance to Israel against the backdrop of Palestine Liberation Organization (PLO)-Israel negotiations that culminated in the 1993 Oslo Accord.²² Hamas opened an external office in Iran in 1992.

It is less clear how much material support the Iranian government provided to Hamas in the first years of the relationship. In 1998, Hamas's spiritual leader Ahmad Yassin (later killed in a 2004 Israeli strike) reportedly obtained from Iran a pledge of \$15 million a month.²³ Hamas leaders gave conflicting accounts of their ties with Iran throughout the 1990s, perhaps sensitive to Palestinian domestic criticisms of Hamas as being reliant on foreign sponsors.²⁴

During the second Palestinian *intifada* (or uprising) of 2000-2005, Iran reportedly continued to provide support to Hamas, including via the Shia Islamist group Lebanese Hezbollah (also an FTO).²⁵ Some have contrasted Iran's relationship with Hezbollah (a "full Iranian proxy," in the words of one observer) with its relationship with Hamas ("a pragmatic partner to Iran's anti-Israel axis").²⁶

Since Hamas took over de facto control of the Gaza Strip in 2007, it has engaged in several rounds of conflict with Israel, with continued reported material and financial support, but uncertain direction, from Iran. Iranian aid has been especially important to Hamas in light of Israeli-Egyptian restrictions in place for Gaza since 2007 on the transit of people and goods, and with regard to Hamas's arsenal of rockets, which have featured prominently in Hamas attacks against Israel for years. Iran initially smuggled rockets into Gaza by sea and via illicit tunnels under the Egyptian border. After Egypt began cracking down on those tunnels in 2013, and as ties between Iran and Sudan (a key arms transit point) began to deteriorate in 2014, Iran focused more on teaching Palestinian militants how to use Iranian systems and locally manufacture their own variants.²⁷

Iran-Hamas relations deteriorated after the outbreak of violence in Syria in 2011, with Iran and Hezbollah backing the government of Bashar al Asad, and Hamas siding with the mostly Sunni opposition. In 2012, Hamas's political leadership left Damascus for Qatar, where it has reportedly been based since then. In 2017, with Hamas more isolated regionally and with the Iran-backed Asad government ascendant, the two sides began to repair ties and have since appeared closely aligned. Hamas's top political leader, Ismail Haniyeh, reportedly visited Tehran at least three times between 2019 and the October 7 attacks.²⁸

Islamist group Hezbollah in Lebanon and pressuring Persian Gulf monarchies to cease their support for Iraq in its war against Iran. After the first Palestinian *intifada* (or uprising) broke out in 1987 (the same year Hamas was founded), Iran began to focus more on supporting Palestinian groups. See U.S. State Department, *Patterns of Global Terrorism: 1986*, January 1988 and *Patterns of Global Terrorism: 1989*, April 1990.

²² "Iran pledges to aid Hamas in fight for 'free Palestine,'" *Independent* (London), November 17, 1992; Christopher Walker, "PLO fears rise of fundamentalists," *Times* (London), December 18, 1992; "Iran tells Hamas it is firmly against PLO peace deal," Reuters, November 30, 1993. For background on the Oslo Accord, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

²³ Laura King, "Hamas leader gaining Arab support," Associated Press, May 27, 1998.

²⁴ See, for example, "Hamas leader Yassin interviewed on attacks on civilians, ties with Iran," *BBC Monitoring*, October 16, 1999.

²⁵ Aaron Mannes, "Iran binds Hizballah to Hamas," *Jerusalem Post*, March 30, 2004.

²⁶ Ido Levy, "How Iran fuels Hamas terrorism," Washington Institute for Near East Policy, June 1, 2021.

²⁷ Fabian Hinz, "Iran transfers rockets to Palestinian groups," Wilson Center, May 19, 2021; Adnan Abu Amer, "Report outlines how Iran smuggles arms to Hamas," *Al-Monitor*, April 9, 2021.

²⁸ Maren Koss, "Flexible resistance: How Hezbollah and Hamas are mending ties," Carnegie Middle East Center, July (continued...)

The level of Iranian material support for Hamas has reportedly remained high in recent years. In a September 2020 publication, the State Department reported that “Iran historically provided up to \$100 million annually in combined support to Palestinian terrorist groups, including Hamas, Palestine Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine-General Command.”²⁹ Haniyeh reportedly said in a January 2022 interview that Iran was the “main funder” of a \$70 million “plan of defense for Gaza” after 2009.³⁰

Hamas attacks: Why and why now?

Hamas leaders have said that their planning and preparation for the October 2023 attacks took place over several years, suggesting that the group made a strategic decision to prepare itself to be able to carry out attacks and operations that might change the status quo and prevailing assumptions in the group’s long confrontation with Israel.³¹ The decision to launch the attacks in October 2023 may reflect various Hamas motivating factors, including:

- **Disrupting Arab-Israeli normalization efforts** – The October 7 attacks may have been intended to disrupt existing and potential future normalization agreements between Israel and Arab states, including U.S.-backed efforts to promote Saudi-Israeli normalization.
- **Seeking to strengthen its domestic position** – Hamas may have launched the attacks in a bid to bolster its domestic political position vis-à-vis the struggling Palestinian Authority (PA) and its president since 2005, Mahmoud Abbas. Difficult and deteriorating living conditions in Gaza may have increased local political pressure on Hamas, and Hamas leaders may have perceived political opportunity arising from a pattern of confrontations in 2022 and 2023 between Israelis and Palestinians in the West Bank and in Jerusalem. A former senior U.S. official has speculated, “Hamas’s intention is to get Israel to retaliate massively and have the conflict escalate: a West Bank uprising, Hezbollah attacks, a revolt in Jerusalem.”³²
- **Capitalizing on Israeli domestic turmoil** – Political tensions have risen in 2023 among Israelis, stemming from disputes over proposed judicial reform and other issues. Hamas and its allies may have perceived an opportunity to amplify discord among Israelis by launching the attacks and successfully targeting Israeli military and civilian targets.
- **Using hostages for prisoner releases or other concessions** – Hamas leaders have long highlighted the release of Palestinian prisoners held by Israel as a priority for the group, and may have launched the attacks to use hostages to obtain prisoner releases or other Israeli concessions.

11, 2018. Haniyeh reportedly visited Tehran in June 2019, January 2020 (for Soleimani’s funeral), and August 2021 (for Raisi’s inauguration). Iran and Sudan announced the resumption of diplomatic relations on October 9, 2023.

²⁹ U.S. State Department, *Outlaw Regime: A Chronicle of Iran’s Destructive Activities*, September 2020.

³⁰ Mai Abu Hasaneen, “Hamas holds memorial tribute for Soleimani in Gaza,” *Al-Monitor*, January 7, 2022.

³¹ Hamas official Ali Baraka quoted in Samia Nakhoul and Laila Bassam, “Who is Mohammed Deif, the Hamas commander behind the attack on Israel?” Reuters, October 11, 2023.

³² Martin Indyk, “Why Hamas Attacked—and Why Israel Was Taken by Surprise,” *Foreign Affairs*, October 7, 2023.

What is Palestine Islamic Jihad and who supports it?

Palestine Islamic Jihad (PIJ) is another FTO that, like Hamas, is an offshoot of the Muslim Brotherhood and receives support from Iran.³³ Reportedly, it may also have received some funding in cryptocurrency. PIJ emerged in the 1980s in the Gaza Strip as a rival to Hamas. Since 2000, PIJ has conducted several attacks against Israeli targets (including suicide bombings), killing scores of Israelis. PIJ militants in Gaza sometimes take the lead in firing rockets into Israel—perhaps to pressure Hamas into matching its hardline tactics or to demonstrate its credentials as a resistance movement to domestic audiences and external supporters.

PIJ's ideology combines Palestinian nationalism, Sunni Islamic fundamentalism, and Shiite revolutionary thought (inspired by the Iranian Revolution). PIJ seeks liberation of all of historic Palestine through armed revolt and the establishment of an Islamic state, but unlike Hamas has not established a social services network, formed a political movement, or participated in elections. PIJ has not received the same level of support from Palestinians as Hamas. Some PIJ leaders reside in Syria, Lebanon, or other Arab states.

For three days in August 2022, Israel and PIJ militants in Gaza exchanged fire. Hamas stayed out of the violence, with some sources intimating that Israeli measures loosening access restrictions on goods and permitting thousands of Gazans to work in Israel may have provided Hamas with economic incentives not to fight.³⁴ A similar round of violence between Israel and PIJ (with Hamas abstaining) took place in November 2019. PIJ personnel reportedly hold hostages from the October 7 attacks and claimed operations at Israel's northern border with Lebanon in the days following the attacks.³⁵

According to the State Department's Country Reports on Terrorism for 2021 (most recent), "estimates of PIJ's membership range from about 1,000 to several thousand."

Is there evidence that Hamas and Palestine Islamic Jihad are using cryptocurrency to finance their activities?³⁶

According to reporting by the *Wall Street Journal* and CNN, citing a cryptocurrency analytics firm, Palestine Islamic Jihad (PIJ) received as much as \$93 million in cryptocurrency between August 2021 and June 2023; Hamas received about \$41 million over a similar time frame (a figure attributed to a different analytics firm), but Israeli authorities may have been able to interdict some or all of that amount.³⁷

³³ Reportedly, it may also have received some funding in cryptocurrency. Berwick and Talley, "Hamas Militants Behind Israel Attack Raised Millions in Crypto."

³⁴ See, for example, Dov Lieber et al., "Hamas Considers Cost of Conflict," *Wall Street Journal*, August 22, 2022.

³⁵ "Islamic jihad faction holding over 30 Israelis captive, its chief says," Reuters, October 8, 2023; "Palestinian Al Quds Brigades claim responsibility for attack at Lebanon-Israel border," Reuters, October 9, 2023.

³⁶ Prepared by Rebecca M. Nelson, Specialist in International Trade and Finance; and Liana W. Rosen, Specialist in International Crime and Narcotics.

³⁷ Angus Berwick and Ian Talley, "Hamas Militants Behind Israel Attack Raised Millions in Crypto," *Wall Street Journal*, October 10, 2023; Scott Glover et al., "'They're opportunistic and adaptive': How Hamas is using cryptocurrency to raise funds," CNN, October 12, 2023.

On October 10, the Israel government issued a press release stating that, in collaboration with Binance (the world's largest cryptocurrency exchange), it had frozen cryptocurrency accounts linked to Hamas.³⁸

U.S. financial regulators have previously raised concerns about Hamas-linked activity on Binance. In March 2023, the U.S. Commodity Futures Trade Commission filed a civil enforcement action against Binance.³⁹ Among other items, the CFTC alleges that Binance received and dismissed information regarding Hamas transactions in February 2019.⁴⁰

Additionally, in August 2020, the U.S. Department of Justice announced a series of terrorism-related cryptocurrency actions. One of them involved the Qassam Brigades, described as Hamas's military wing.⁴¹ According to an industry report from early 2020, Qassam Brigades cryptocurrency fundraising efforts had generated "tens of thousands of dollars of Bitcoin" and was among "the largest and most sophisticated cryptocurrency-based terrorism financing campaigns ever seen."⁴² In the August 2020 action, U.S. law enforcement seized the infrastructure of the Qassam Brigades websites and subsequently covertly operated *alqassam.net*. U.S. law enforcement also reportedly tracked and seized 150 cryptocurrency accounts through which funds were laundered to and from Qassam Brigades accounts. The United States Attorney's Office for the District of Columbia also unsealed criminal charges against individuals who allegedly acted as related money launderers while operating an unlicensed money transmitting business.

What were prevailing conditions like in Gaza before the attacks? What policy challenges has Gaza presented?

The Gaza Strip presents complicated challenges for U.S. policy. Gaza is one of the most densely populated areas in the world. More than two million people, the majority of whom are registered Palestinian refugees, live in the territory and most of them rely on humanitarian assistance. Hamas, Israel, the Palestinian Authority (PA), and several outside actors affect Gaza's difficult security and politics, and its dire humanitarian situation. Since Hamas's 2007 takeover of Gaza, Israeli and Egyptian authorities have maintained strict control over Gaza's border crossings.⁴³

³⁸ Camomile Shumba and Sandali Handagama, "Hamas-Linked Crypto Accounts Frozen by Israeli Police, with Binance's Help: Report," *Coin Desk*, October 10, 2023.

³⁹ Commodity Futures Trading Commission, "CFTC Charges Binance and Its Founder, Changpeng Zhao, with Willful Evasion of Federal Law and Operating an Illegal Digital Asset Derivatives Exchange," press release, March 27, 2023.

⁴⁰ *Commodity Futures Trading Commission v. Changpeng Zhao, Binance Holdings Limited, Binance Holdings (IE) Limited, Binance (Services) Holdings Limited, and Samuel Lim*, 33 (United States District Court for the Northern District of Illinois 2023).

⁴¹ U.S. Department of Justice, "Global Disruption of Three Terror Finance Cyber-Enabled Campaigns," August 13, 2020.

⁴² Chainalysis, "Terrorism Financing in Early Stages with Cryptocurrency but Advancing Quickly," January 17, 2020, <https://www.chainalysis.com/blog/terrorism-financing-cryptocurrency-2019/>. See also Elliptic, "Cracking the Code: Tracing the Bitcoins from a Hamas Terrorist Fundraising Campaign," April 26, 2019.

⁴³ In November 2005, Israel and the PA signed an Agreement on Movement and Access, featuring U.S. and European Union participation in the travel and commerce regime that was supposed to emerge after the IDF withdrew from Gaza in September 2005, but this agreement was never fully implemented. In September 2007, three months after Hamas's takeover of Gaza, the closure regime was further formalized when Israel declared Gaza to be a "hostile entity." Depending on circumstances since then, Israel has eased and re-tightened restrictions on various imports and exports. Gisha – Legal Center for Freedom of Movement, *Gaza Up Close*, September 1, 2021. Widespread unemployment and poverty persist.

Because Gaza does not have a self-sufficient economy, external assistance largely sustains humanitarian welfare. Gazans face chronic economic difficulties and shortages of electricity and safe drinking water.⁴⁴ Israel justifies the restrictions it imposes as a way to deny Hamas materials to reconstitute its military capabilities. However, the restrictions also limit commerce, affect the entire economy, and delay humanitarian assistance.⁴⁵ For several years, Hamas compensated somewhat for these restrictions by routinely smuggling goods into Gaza from Egypt's Sinai Peninsula through a network of tunnels. However, after Egypt's military regained political control in July 2013, it disrupted the tunnel system.

Some observers have routinely voiced concerns that prevailing arrangements and dispiriting living conditions that have persisted since Israel's withdrawal in 2005 may feed discontent and radicalization within Gaza and create incentives for Gaza-based groups to increase violence against Israel for political ends.⁴⁶ Israel disputes the level of legal responsibility for Gaza's residents that some international actors argue it retains—based on its continued control of most of Gaza's borders, airspace, maritime access, and various buffer zones within the territory.

Adding to relief objectives, the possibility that humanitarian crisis could destabilize Gaza has prompted some efforts aimed at improving living conditions and reducing spillover threats. Within limited parameters amid Gaza's political uncertainties and access restrictions, the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and other international organizations and nongovernmental organizations take care of many Gazans' day-to-day humanitarian needs. These groups play significant roles in providing various forms of assistance and trying to facilitate reconstruction from previous conflicts, while also facing scrutiny for how they carry out humanitarian efforts alongside potential interactions with or acquiescence to Hamas authorities in Gaza.

Prior to the outbreak of conflict in October 2023, Hamas and Israel reportedly worked through Egypt and Qatar to help manage the flow of necessary resources into Gaza and prevent or manage conflict escalation. Since 2018, Egypt and Hamas (perhaps with implied Israeli approval) have reportedly permitted some commercial trade via an informal crossing that bypasses the formal PA controls and taxes at other Gaza crossings.⁴⁷

Hamas's security control of Gaza has presented a conundrum for the West Bank-based PA, Israel, and the international community. They have been unable to establish a durable political-security framework for Gaza that assists Gaza's population without bolstering Hamas. Prior to the October 2023 attacks and conflict, no significant breakthrough had occurred to reconcile civilian infrastructure needs with security considerations. Reconstruction outcomes could be different under scenarios featuring: (1) a political reunification of Gaza with the West Bank, (2) reduced Israeli and Egyptian restrictions on access and commerce, (3) diminished Hamas presence and power in Gaza, and/or (4) a long-term Hamas-Israel cease-fire. Egypt has played a key role in both Israel-Hamas and Hamas-Fatah mediation.⁴⁸

⁴⁴ For information on the situation, see U.N. Office for the Coordination of Humanitarian Affairs occupied Palestinian territory (OCHA-oPt), *Gaza Strip: Critical Humanitarian Indicators*, <https://www.ochaopt.org/page/gaza-strip-critical-humanitarian-indicators>.

⁴⁵ World Bank, *Economic Monitoring Report to the Ad Hoc Liaison Committee*, June 2, 2020, p. 24.

⁴⁶ See, for example, U.N. OCHA-oPt, *Humanitarian Needs Overview OPT 2021*, December 2020.

⁴⁷ Ahmad Abu Amer, "Egypt, Qatar agreement with Israel, Hamas provides boost for Gaza economy," *Al-Monitor*, November 23, 2021; Neri Zilber, "New Gaza Crossing Raises Questions About Blockade Policies," Washington Institute for Near East Policy, October 23, 2019.

⁴⁸ Maged Mandour, "Egypt's Shifting Hamas Policies," Carnegie Endowment for International Peace, July 26, 2021.

Because of the PA's inability to control security in Gaza, to date it has been unwilling to manage donor pledges toward post-conflict reconstruction, leading to concerns about Hamas diverting international assistance for its own purposes.⁴⁹ With sensitivity to Israel's worries about diversion, Qatar—which had been providing cash assistance to Gaza since 2018—began an arrangement after the 2021 Israel-Hamas conflict to provide money transfers to needy families through the United Nations.⁵⁰ Qatar and Egypt also established a mechanism—with Israel's tacit approval—to provide assistance toward Gaza civil servants' salaries.⁵¹ The future of these arrangements is uncertain in light of the attacks and ensuing conflict.

What is the status of access to and exit from Gaza?

Israel has long maintained air, land, and sea restrictions on access to Gaza. A security fence separates Gaza from Israel and was damaged in several areas during the October 7 attacks. A maritime exclusion zone remains in place off the Gaza coast. The Erez crossing between Gaza and Israel was damaged in the attacks and is closed. Israel has declared a military exclusion zone surrounding Gaza in areas of southern Israel. On October 9, Israel announced a “complete siege” in Gaza that would apparently cut Gaza's residents off from all food, water, fuel, and electricity.⁵² On October 12, Israel's Energy Minister said that Israel-imposed restrictions on the flow of goods, including fuel, and the cessation of the provision of water and electricity services from Israel to Gaza would remain in place until the release of Israeli hostages from Gaza.⁵³

Egypt controls the Rafah border crossing into Gaza, making it the only non-Israeli-controlled passenger entryway into the Strip. As war continues in Gaza and the humanitarian situation there worsens, Egypt will likely be placed in a difficult position; its government may not welcome large numbers of refugees pouring into the northern Sinai Peninsula, an area which has witnessed a decade of insurgency between the Egyptian military and various terrorist groups, including an affiliate of the Islamic State (Sinai Province).⁵⁴ On the other hand, the Egyptian government may be called upon by the international community to assist in the facilitation of humanitarian aid. On October 12, Egypt directed that international aid shipments should arrive via air to Arish in the northern Sinai, about 30 miles from Gaza. Egypt stated that it had not permanently closed the Rafah crossing and called on Israel “to avoid targeting the Palestinian side of the border so that it could be successfully renovated and in shape to resume work.”⁵⁵ On October 13, Egyptian President Abdel Fattah al Sisi said that Gazans must “stay steadfast and remain on their land,” and he committed to ensuring the delivery into Gaza of international humanitarian assistance arriving in Egypt.⁵⁶

For more information on humanitarian issues and access concerns in Gaza, see “In Gaza” below.

⁴⁹ Ibid.

⁵⁰ Aaron Boxerman, “UN to begin dispensing Qatari cash to needy Gazan families Monday under new deal,” *Times of Israel*, September 12, 2021.

⁵¹ Yaniv Kubovich, “Egypt, Qatar Reach Breakthrough on Hamas Civil Servants Salaries,” *Haaretz*, November 29, 2021; Abu Amer, “Egypt, Qatar agreement with Israel, Hamas.”

⁵² Ruby Mellen et al., “Israel ordered a ‘complete siege’ of Gaza. Here's what that looks like,” *Washington Post*, October 11, 2023.

⁵³ Israel Katz (@Israel_katz), post on X, 2:34 AM EST, October 12, 2023.

⁵⁴ “Egypt discusses Gaza aid, rejects corridors for civilians, say sources,” Reuters, October 11, 2023.

⁵⁵ Heba Farouk Mahfouz, “Egypt says Rafah crossing isn't permanently closed, urges Israel to stop targeting it,” *Washington Post*, October 12, 2023.

⁵⁶ “Gazans must ‘remain on their land’: Egypt's al-Sisi,” Agence France Presse, October 13, 2023.

National Security Advisor Jake Sullivan has indicated that the United States is communicating with Israeli and Egyptian counterparts about the safe passage of civilians currently in Gaza.⁵⁷ According to the U.S. State Department, “U.S. citizens in Gaza who wish to leave and can do so safely are advised to check the status of the Rafah Crossing into Egypt.”⁵⁸

In general, the Department advises U.S. citizens to not travel to Gaza, stating

The U.S. government is unable to provide routine or emergency services to U.S. citizens in Gaza as U.S. government employees are prohibited from traveling there. Hamas, a U.S. government-designated foreign terrorist organization, controls the security infrastructure in Gaza. The security environment within Gaza and on its borders is dangerous and volatile. Sporadic mortar or rocket fire and corresponding Israeli military responses may occur at any time. During periods of unrest or armed conflict, the crossings between Gaza with Israel and Egypt may be closed. If you decide to travel to Gaza: Be prepared for an indefinite stay as the crossings between Gaza with Israel and Egypt can close without advance notice and for long periods during times of unrest and armed conflict. Have a plan for entering and departing Gaza that does not rely on U.S. government assistance.⁵⁹

For more information on U.S. citizen issues, see “What consular services are available to U.S. citizens in Israel and Gaza?”

What is the role of the Palestinian Authority in this crisis?

After Hamas’s attacks on October 7, Palestinian Authority (PA) President Mahmoud Abbas said—despite the considerable animus between the PA and Hamas—that Palestinians have the right “to defend themselves against the terrorism of settlers and the occupation forces.”⁶⁰ In a statement released the same day, the PA Ministry of Foreign Affairs blamed Israel for “the destruction of the peace process” and said that “the continuation of the injustice and oppression to which the Palestinian people are exposed is the reason behind this explosive situation.”⁶¹ Per some analysts, the Hamas attack has put Abbas in a difficult position, unwilling to embrace his Hamas rivals and their attack on Israel, but also unable to denounce them for fear of alienating West Bank Palestinians.⁶² Abbas has continued to engage with other world leaders (including an October 9 call with U.N. Secretary-General António Guterres, in which Abbas asked the U.N. to “immediately intervene to stop the ongoing Israeli aggression”), but has not made any public appearances.⁶³

⁵⁷ White House, “Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan,” October 10, 2023, <https://www.whitehouse.gov/briefing-room/press-briefings/2023/10/10/press-briefing-by-press-secretary-karine-jean-pierre-and-national-security-advisor-jake-sullivan-9/>.

⁵⁸ U.S. State Department, Information for U.S. Citizens in Israel: Israel Update, October 12, 2023.

⁵⁹ U.S. State Department, Israel, the West Bank and Gaza Travel Advisory, October 11, 2023.

⁶⁰ Gianluca Pacchiani, “Abbas stressed Palestinian right to self defense, as int’l community condemns Hamas,” *Times of Israel*, October 7, 2023.

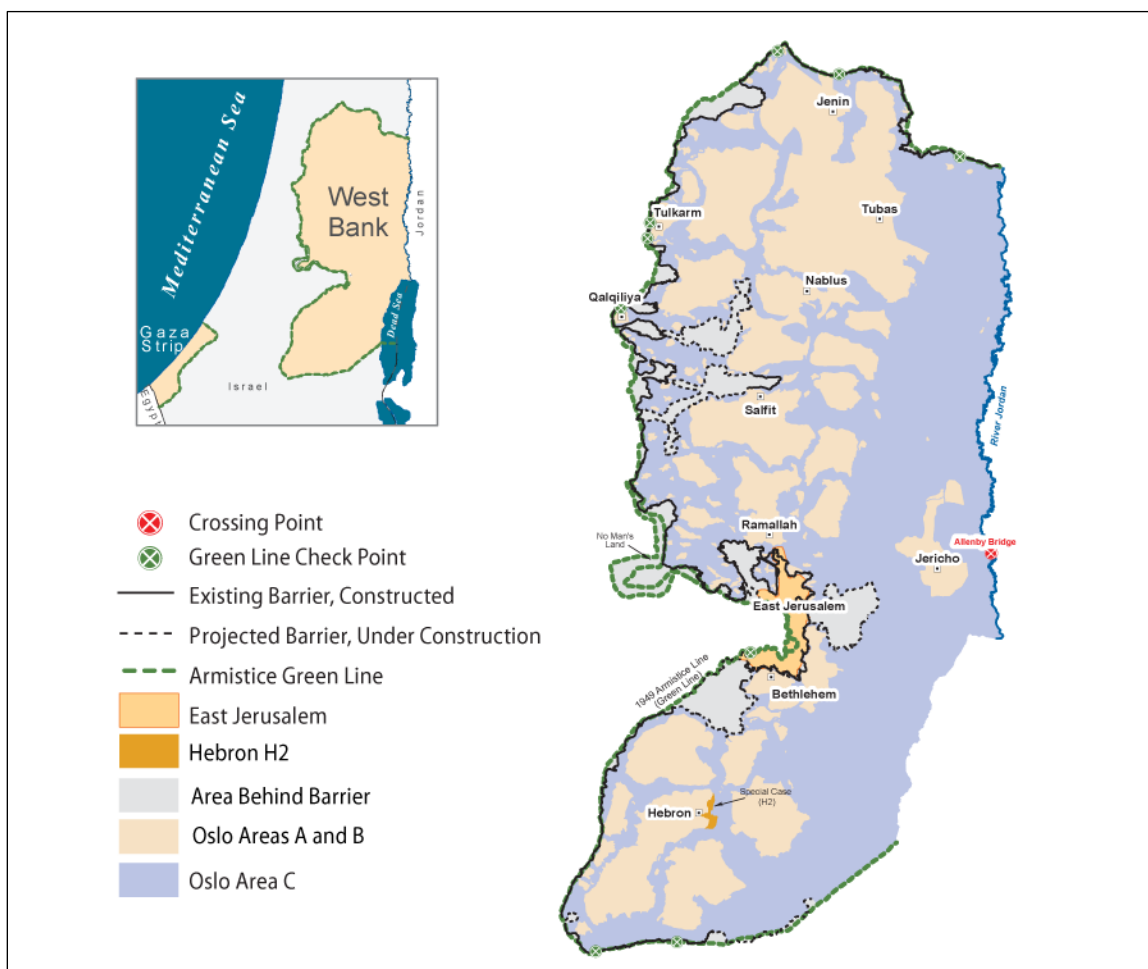
⁶¹ X, State of Palestine Ministry of Foreign Affairs (@pmofa), October 7, 2023, <https://twitter.com/pmofa/status/1710630801379922370>.

⁶² Mohammad al-Kassim, “PA President Mahmoud Abbas MIA as Hamas wages war against Israel,” *Ynetnews*, September 10, 2023.

⁶³ “President Abbas calls on UN to promptly intervene to stop Israeli aggression against Palestinians,” Wafa News Agency, October 9, 2023.

The Palestinian Authority (PA) was created in the 1990s to provide Palestinians with temporary, limited self-rule in Gaza and specific urban areas of the West Bank (see **Figure 3**)—under overarching Israeli control—pending a final Israeli-Palestinian peace agreement. It is dominated by Fatah, a secular Palestinian political party whose chairman Mahmoud Abbas has served as PA president since his election by Palestinians in the West Bank and Gaza in 2005 after the death of Yasser Arafat. When his four-year term expired in 2009, the PA extended his term indefinitely until new elections could take place; no elections have occurred to date. The PA has exercised little or no effective control in Gaza since Hamas forcibly seized control there in 2007. Having different Palestinian leaders in the two territories has complicated the question of who speaks for the Palestinians at home and abroad.

Figure 3. Map of West Bank



Source: U.N. Office for the Coordination of Humanitarian Affairs occupied Palestinian territory, 2018, adapted by CRS.

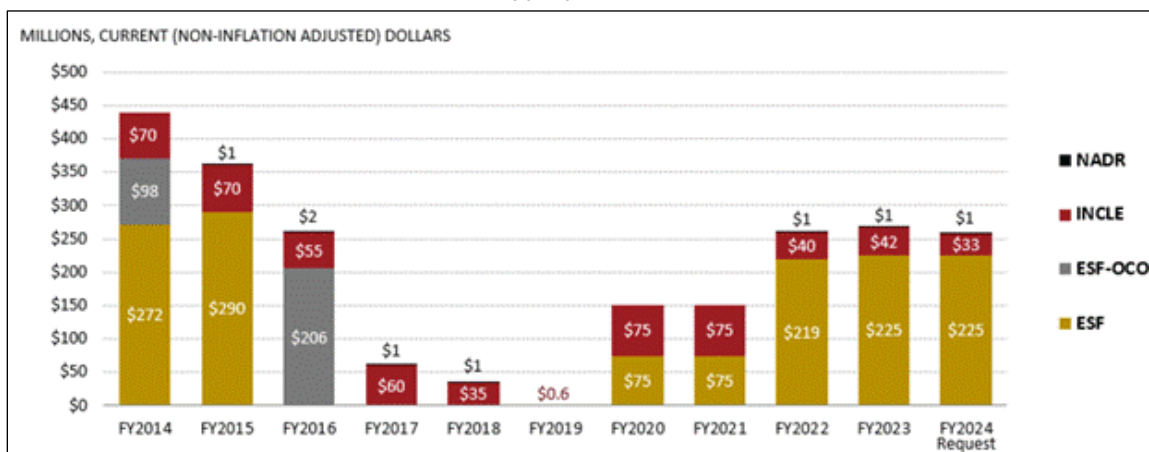
Note: All boundaries and depictions are approximate.

Many U.S. presidential Administrations and Israeli governments have viewed the Abbas-led PA as a traditional counterweight to Hamas, partly because under Abbas, the PA does not appear to have actively organized or directed violent campaigns targeting Israel or Israelis. The PA and its security forces generally engage in some discreet coordination efforts with Israel to counter

shared threats from Hamas and other militants. This coordination has reportedly waned at least to some extent in connection with increased West Bank violence in 2023.

The United States has invested in boosting PA governance and security capacities. The U.S. Security Coordinator for Israel and the Palestinian Authority (USSC), established in 2005, is a U.S.-led multilateral mission of more than 75 security specialists from nine NATO countries based in Jerusalem, with a forward post in the West Bank city of Ramallah, where the PA is headquartered.⁶⁴ The USSC is headed by a three-star U.S. flag officer who leads U.S. efforts to help develop and reform the PA security sector, and facilitate coordination and communication between Israeli and PA security units. For more information about the USSC and U.S. non-lethal security assistance to PA security forces, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti. See **Figure 4** for information on overall bilateral U.S. aid to the Palestinians.

Figure 4. U.S. Bilateral Aid to the Palestinians, FY2014-FY2024 Request
appropriations



Sources: U.S. State Department and U.S. Agency for International Development (USAID), adapted by CRS.

Notes: All amounts are approximate and reflect appropriations for each fiscal year. Some amounts have been appropriated but not obligated. Amounts for FY2024 have been requested but not appropriated. NADR = Nonproliferation, Antiterrorism, Demining, and Related Programs, INCLE = International Narcotics Control and Law Enforcement, ESF = Economic Support Fund, OCO = Overseas Contingency Operations.

Despite the potential for the PA to act as a counterweight to Hamas, some factors now constrain the United States from supporting the PA as it had in Abbas's early years of rule. The PA is facing a major ongoing financial crisis that could lead to bankruptcy, amid Palestinian domestic turmoil, internal corruption allegations, and grievances the PA has with current Israeli government policies in the West Bank—including on settlements and security.⁶⁵ In a July 2023 CNN interview, President Biden said that the PA has "lost its credibility" and created a "vacuum for extremism among the Palestinians." He also said at the time that some Israeli cabinet members are "part of

⁶⁴ Information provided by the USSC to CRS, October 20, 2022. The core of the USSC is made up of U.S. military officers hosted by the Department of State. Supporting contingents of security specialists from the United Kingdom and Canada work with the U.S. core team, as do smaller contingents from the Netherlands, Turkey, Italy, Poland, Greece, and Bulgaria.

⁶⁵ Alex Lederman, "The Palestinian Authority Is in Danger, and So Is Israel," Israel Policy Forum, June 29, 2023.

the problem,”⁶⁶ referring to Israeli-Palestinian tensions stemming from Israeli actions in the West Bank and Jerusalem.

Speculation surrounds who might lead the PA once President Abbas (born in 1935) leaves office—whether via elections or otherwise⁶⁷—perhaps further contributing to West Bank instability as various actors anticipate a contest for succession.

The Taylor Force Act (TFA, enacted in March 2018 as Div. S, Title X of P.L. 115-141), prohibits most U.S. economic aid that “directly benefits” the PA, because of certain PA payments “for acts of terrorism.”⁶⁸ U.S. officials have encouraged other parties in the region to support the PA,⁶⁹ encountering some public criticism because language in the TFA calls on all countries to cease budgetary support to the PA until it “stops all payments incentivizing terror.”⁷⁰

Palestinian Payments for “Martyrs” and Prisoners

The Palestinian practice of compensating families who lost a member (combatant or civilian) in connection with Israeli-Palestinian violence reportedly dates back to the 1960s.⁷¹ Palestinian payments on behalf of prisoners or decedents in their current form apparently “became standardized during the second *intifada* [uprising] of 2000 to 2005.”⁷² Various PA laws and decrees since 2004 have established parameters for payments.⁷³ U.S. lawmakers and executive branch officials have condemned the practice to the extent it might incentivize violence, focusing particular criticism on an apparent tiered structure that provides higher levels of compensation for prisoners who receive longer sentences.⁷⁴

Beyond these issues, PA security forces face a number of challenges in seeking to counter Hamas and other militants. When the forces cautiously avoid confrontation with fellow Palestinians, they are vulnerable to criticism from Israeli and U.S. officials that they are weak or incapable of maintaining order, or even sympathetic to the militants’ causes. When they undertake operations to arrest militants—partly in hopes of minimizing Israeli incursions—domestic critics often label them as collaborators with Israel, especially when such operations and the resulting prosecution

⁶⁶ Transcript: “Interview with U.S. President Joe Biden,” CNN, July 9, 2023.

⁶⁷ Udi Dekel and Noa Shusterman, “*The Day after Abbas*”: *Strategic Implications for Israel*, Institute for National Security Studies, December 2022; International Crisis Group, *Managing Palestine’s Looming Leadership Transition*, February 1, 2023.

⁶⁸ During the legislative process for the TFA, some Members of Congress argued that these PLO/PA payments—made to Palestinians (and/or their families) who are imprisoned for or accused of terrorism by Israel—provide incentives for Palestinians to commit terrorist acts. For more information see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

⁶⁹ U.S. Mission to the United Nations, “Remarks by Ambassador Linda Thomas-Greenfield at a UN Security Council Briefing on the Situation in the Middle East,” May 24, 2023.

⁷⁰ Sander Gerber, “Opinion: Biden & Co. Keep Funding Palestinian Terror — in Defiance of Congress,” *New York Post*, June 20, 2023.

⁷¹ Neri Zilber, “An Israel ‘Conspiracy Theory’ That Proved True—but Also More Complicated,” *The Atlantic*, April 27, 2018.

⁷² Eli Lake, “The Palestinian incentive program for killing Jews,” *Bloomberg*, July 11, 2016.

⁷³ Yossi Kuperwasser, “Incentivizing Terrorism: Palestinian Authority Allocations to Terrorists and their Families,” Jerusalem Center for Public Affairs, <http://jcpa.org/paying-salaries-terrorists-contradicts-palestinian-vows-peaceful-intentions/>.

⁷⁴ See, for example, Opening Statement of Senator Bob Corker, in U.S. Congress, Senate Foreign Relations Committee, *Consideration of the Taylor Force Act*, hearings, 115th Cong., 1st sess., July 12, 2017, <https://www.foreign.senate.gov/press/rep/release/corker-opening-statement-at-hearing-on-taylor-force-act>; Joel Gehrke, “House passes bill that could cut off Palestinian Authority funding due to aid of terrorists’ families,” *Washington Examiner*, December 5, 2017. For an analysis arguing that these PLO/PA payments are not the primary drivers of violence against Israel, see Shibley Telhami, “Why the discourse about Palestinian payments to prisoners’ families is distorted and misleading,” Brookings Institution, December 7, 2020.

and imprisonment of suspects appeared to be related to Israeli raids, information sharing, or objectives.⁷⁵

What internal tensions existed within Israel at the outbreak of conflict?

The October 2023 Hamas attacks took place during a complicated and contentious period in Israeli politics. Those events appear to have significantly altered the Israeli political landscape, at least in the near term.

In December 2022, Israel's legislature, the Knesset, voted to reinstall Likud party leader Benjamin Netanyahu for a third stint as prime minister (his previous terms were 1996-1999 and 2009-2021). He heads a coalition that includes ultra-nationalist and ultra-Orthodox parties. The 2022 election was the fifth held in Israel since a legal process regarding corruption allegations against Netanyahu began in December 2018; his criminal trial is ongoing and could last for months or years. Netanyahu's inclusion of ultra-nationalist figures within this government triggered debate about the implications for Israel's democracy, its ability to manage tensions with its Arab citizens and with Palestinians, and its relations with the United States and other countries.

Shortly after Netanyahu's government took office, it advanced proposals aimed at reducing the power of the judiciary—particularly Israel's Supreme Court (SC, also known as the High Court of Justice)—to check actions approved by Israel's government.⁷⁶ The proposals prompted several months of highly charged national debate and major protests. Reportedly, thousands within Israel's military reserves had threatened to suspend serving, which one observer noted at the time could have potential consequences for performance, cohesion, or readiness.⁷⁷ The discourse highlights Israel's challenge in respecting the actions of its elected government while protecting minority rights, with broad implications for national political and economic cohesion. Opponents of the proposals tended to argue that they unduly weaken the judiciary's important role of checking majority opinion, especially at a time when the prime minister's criminal trial gives him a personal stake in judicial outcomes. Supporters of the proposed changes generally asserted that the SC needs corrective balance because Israel lacks a constitution providing explicit boundaries to judicial review.

Despite appeals from President Biden for Netanyahu to pursue compromise, in July the coalition enacted legislation that would prevent Israeli courts from using a "reasonableness" standard to invalidate government actions. Weakening judicial review could allow the government to take actions that the SC might have previously resisted. Such actions could include expanding Israel's West Bank control at Palestinians' expense, increasing economic preferences and military service exemptions for ultra-Orthodox Jews, or changing the religious-secular balance in Israel.⁷⁸ Some observers debated whether Israel might face heightened condemnation and legal prosecution in international fora if the independence of its judiciary eroded. In September, the SC held hearings

⁷⁵ Jack Mukand, "A year on, Nizar Banat's killing sheds light on PA corruption, but justice is on hold," *Times of Israel*, October 3, 2022; Ahmad Melhem, "Palestinian Authority steps up arrests in Nablus," *Al-Monitor*, September 28, 2022.

⁷⁶ Jeremy Sharon, "Justice minister unveils plan to shackle the High Court, overhaul Israel's judiciary," *Times of Israel*, January 4, 2023.

⁷⁷ David S. Cloud and Dov Lieber, "Israel Faces New Security Threats if Protesting Military Reservists Refuse to Serve," *Wall Street Journal*, July 26, 2023.

⁷⁸ Dov Lieber, "Israel's Court Plan Deepens Divisions," *Wall Street Journal*, January 24, 2023; Associated Press, "Israel unveils controversial plans to overhaul judicial system," January 4, 2023.

on petitions challenging the July reasonableness law. Prior to the October 2023 attacks, it appeared that if the SC were to issue a ruling that is adverse to the Knesset majority's support for the law, a national crisis could be possible.⁷⁹

After the outbreak of conflict with Hamas in October, the opposition and protest movement suspended criticism of the government and voiced support for united national efforts in the conflict (more below).

What was the status of Israeli-Palestinian tension in the West Bank and Jerusalem at the outbreak of conflict?

Israeli-Palestinian tensions in the West Bank and Jerusalem were increasing even before the outbreak of the October Israel-Hamas conflict: after an upsurge in Israeli-Palestinian violence during 2022, casualties spiked even further in 2023. Through October 6, in 2023, around 30 Israelis and 190 West Bank Palestinians were killed in attacks by militants and/or extremists on both sides or in clashes involving Israeli security forces and Palestinian militants.⁸⁰ In 2022, some Palestinian Authority (PA) personnel reportedly acted outside their authority by directly targeting Israeli forces or settlers, raising questions about the PA's ability to control individuals' actions.⁸¹

In summer 2023, clashes between Israeli forces and Palestinian militants intensified in the northern West Bank. Reports indicate that Hamas and PIJ may have increased their direct involvement, perhaps helping West Bank militants employ tactics similar in sophistication to those used by Iran-supported groups in Lebanon and Gaza, such as improvised explosive devices.⁸² After a Palestinian shooting attack in June killed four Israeli settlers, a group of Israeli settlers stormed a Palestinian town, setting fire to multiple homes and cars in a scene reminiscent of a similar reprisal attack by settlers in February.⁸³

In early July, the Israel Defense Forces (IDF) launched a major two-day raid into the West Bank city and refugee camp of Jenin, its largest since 2002 during the second intifada. According to one Israeli officer, the scale of the July 2023 challenge was smaller than in 2002, when Palestinian involvement in violence was more widespread.⁸⁴ After the IDF raid, the PA deployed more security forces in Jenin and elsewhere in the northern West Bank, but their operations have not extended into policing Jenin's refugee camp—where many confrontations with armed groups have occurred.⁸⁵ Some Palestinians expressed support for PA efforts to maintain order, but warned

⁷⁹ Neri Zilber, "Will Israel's Supreme Court Fight Back?" *Foreign Policy*, July 28, 2023.

⁸⁰ "Netanyahu huddles with top security chiefs after day of terror violence," *Times of Israel*, October 6, 2023.

⁸¹ Ahmad Melhem, "Palestinian security forces become more involved in resistance in West Bank," *Al-Monitor*, October 12, 2022.

⁸² Isabel Kershner, "Five Palestinians, Including 15-Year-Old Boy, Are Killed in Israeli Raid in the West Bank," *New York Times*, June 20, 2023; Ben Caspit, "Israel increasingly fears West Bank chaos, rise of Hamas," *Al-Monitor*, June 20, 2023; Emanuel Fabian, "After roadside bomb during Jenin raid, Gallant says 'all options on the table,'" *Times of Israel*, June 20, 2023.

⁸³ Euronews with Associated Press, "Hundreds of Israeli settlers torch Palestinian homes and cars after deadly shooting at settlement," June 21, 2023; Emanuel Fabian, "Palestinian killed as settlers rampage in Huwara after deadly terror attack," *Times of Israel*, February 26, 2023.

⁸⁴ Ben Caspit, "Can Israel's operation in Jenin restore IDF deterrence in West Bank?" *Al-Monitor*, July 4, 2023.

⁸⁵ Isabel Debre, "After Israeli raids, Palestinian police struggle in militant hotbed, reflecting region on the brink," Associated Press, August 18, 2023.

that increased Israeli raids in the area made PA personnel look like collaborators with Israel against their own people.⁸⁶

Regarding Jerusalem, in January 2023, Israeli National Security Minister Itamar Ben Gvir visited the city's Temple Mount/Haram al Sharif ("Mount/Haram") a few days after taking office, triggering statements of condemnation or concern from Palestinians and several governments both within the region and globally.⁸⁷ Netanyahu pledged to maintain the historic "status quo" that allows only Muslims to worship at the holy site, and downplayed Ben Gvir's visit by referring to previous ministerial visits to the site.⁸⁸ Expressing deep concern about the potentially provocative nature of Ben Gvir's visit, the State Department spokesperson called on Prime Minister Netanyahu to keep his commitment on the status quo.⁸⁹ During Netanyahu's late January visit to King Abdullah II of Jordan, which has a custodial role over the Mount/Haram, the king reportedly told Netanyahu that Israel should respect the "historic and legal status quo in the Holy Aqsa mosque and not violate it."⁹⁰ Ben Gvir made additional visits to the Mount/Haram in May and July, and, in the week before the October 7 Hamas attacks, some Jewish people reportedly prayed inside the Al Aqsa Mosque compound on the Mount/Haram during the Jewish holiday of Sukkot.⁹¹ In a proclamation accompanying the attacks, Hamas's Qassam Brigades commander Mohammed Deif alleged Israeli encroachments on Al Aqsa, and called on Palestinians in Jerusalem (Arabic: "Al Quds"), along with other Arabs, to "expel the (Israeli) occupiers."⁹²

U.S. Policy on Jerusalem

The Trump Administration made U.S. policy changes affecting bilateral relations when it recognized Jerusalem as Israel's capital in 2017 and moved the location of the U.S. Embassy in Israel from Tel Aviv to Jerusalem in 2018. These actions could affect future outcomes regarding Jerusalem's status—given Palestinian claims to East Jerusalem as their future national capital—though the Trump Administration did not take a position on the boundaries of Israeli sovereignty in the city. The Biden Administration has said that the embassy will remain in Jerusalem.⁹³

⁸⁶ Shayndi Raice and Fatima Abdulkarim, "Palestinian Authority Fights Its Own," *Wall Street Journal*, September 6, 2023.

⁸⁷ Barak Ravid, "Israeli ultranationalist minister visits sensitive Jerusalem holy site, raising tensions," *Axios*, January 3, 2023; U.N. Security Council, "Leaders on All Sides of Palestinian Question Must Help Alleviate Tensions, Maintain Status Quo at Jerusalem's Holy Sites, Senior Peace Official Tells Security Council," January 5, 2023.

⁸⁸ Transcript: One-On-One with Israel's Netanyahu amid Surging Violence, January 31, 2023. For background, see CRS Report RL33476, *Israel: Background and U.S. Relations*, by Jim Zanotti.

⁸⁹ Department of State Press Briefing, January 3, 2023.

⁹⁰ Reuters, "King Abdullah meets Israeli PM Netanyahu in surprise Jordan visit, royal court says," January 24, 2023. For background, see CRS Report RL33546, *Jordan: Background and U.S. Relations*, by Jeremy M. Sharp.

⁹¹ Harriet Sherwood, "Israel-Hamas war: what has happened and what has caused the conflict?" *Guardian*, October 8, 2023.

⁹² "'Today, the People Claim their Revolution': This is What Al-Qassam Commander Said in His Speech," *Palestine Chronicle*, October 7, 2023.

⁹³ Niels Lesniewski, "White House confirms Biden will keep embassy in Jerusalem," *Roll Call*, February 9, 2021.

How did regional diplomacy shape the context for the conflict? How might the conflict shape prospects for regional diplomacy and the Abraham Accords?⁹⁴

Some observers, including some Biden Administration officials, have speculated that Hamas's decision to perpetrate its October 7 attacks was intended, in part, to disrupt or weaken U.S.-backed efforts to pursue the type of diplomatic normalization efforts between Israel and Arab states that is exemplified by Israel's 2020-2021 Abraham Accords with the United Arab Emirates, Bahrain, Morocco, and Sudan. Specifically, Hamas may have sought to disrupt reported momentum in autumn 2023 for U.S.-brokered efforts toward Saudi-Israeli normalization. While Saudi-Israeli normalization talks may have shaped the immediate context in which Hamas was considering its options, Hamas figures have suggested that their planning and preparations for the attacks spanned several years.⁹⁵ Even if potential Saudi-Israeli normalization was not a specific instigating factor, it seems likely that Hamas's attacks were intended to reassert the immediate relevance of Palestinian movements that (1) reject normalization, (2) insist on an end to Israeli control over Palestinian life, and (3) favor direct confrontation and the use of violence over diplomacy.

The conduct of the ongoing conflict between Israel and Hamas—and any other regional parties that might become involved—will shape the context for future consideration of the viability and likelihood of pro-normalization diplomacy. Even if Israel's military operations end Hamas's political control of Gaza, they do not appear likely to resolve underlying questions regarding the future political status and potential sovereignty of the Palestinians. The nature and consequences of the October 7 Hamas attacks may reduce popular support among some Israelis for any solution to the underlying Israeli-Palestinian conflict that might reduce Israeli control over the West Bank and Gaza, or empower groups that may have been involved with or sympathetic to the attacks. Similarly, negative effects of ongoing Israeli military and security operations on Palestinian civilians may erode confidence among Palestinians and others in the Middle East region that negotiation and compromise offer a viable path to a just solution for the Palestinians.

Why did the attacks appear to occur without warning?

The nature and timing of the attacks from Gaza have prompted questions about whether or not the Israeli or U.S. governments had prior information to suggest such attacks were possible or imminent. Some unnamed U.S. and Israeli officials have expressed that the attacks surprised Israel's security establishment and have said that their respective governments did not have specific prior information that attacks of the scale and scope launched on October 7 were about to occur.⁹⁶ An unnamed U.S. official in a White House-organized press briefing declined to address

⁹⁴ For more information on the Abraham Accords, see CRS Report R44245, *Israel: Major Issues and U.S. Relations*, by Jim Zanotti.

⁹⁵ Sources indicate that Hamas conducted a subterfuge campaign, whereby it gave "a public impression that it was not willing to go into a fight or confrontation with Israel while preparing for this massive operation." Samia Nakhoul and Jonathan Saul, "How Hamas duped Israel as it planned devastating attack," Reuters, October 10, 2023.

⁹⁶ Ronen Bergman, "Israel's defense failures may change strategy toward Hamas and Gaza," *New York Times*, October 7, 2023; Julian E. Barnes, David E. Sanger and Eric Schmitt, "Hamas Attack Raises Questions Over an Israeli (continued...)"

the question of U.S. intelligence prior to the attack, and said that the United States “will continue to provide Israel with support during this critical time, including close — close, deep intelligence sharing.”⁹⁷ On October 11, House Foreign Affairs Committee Chairman Michael McCaul said, “We know that Egypt... warned the Israelis three days prior that an event like this could happen.”⁹⁸

Israel’s reportedly advanced intelligence capabilities appear to have failed to detect planning and preparation for the October 7 attacks, including Palestinian groups’ acquisition or development of munition-carrying drones, personnel-carrying gliders, and thousands of missiles and rockets. Some former Israeli security officials have speculated that Palestinian armed groups have adapted their operations and methods following repeated rounds of conflict with Israel.⁹⁹ Periodic attacks in Syria—attributed to Israel—against reported shipments of weapons from Iran to armed groups on Israel’s northern borders suggest that Israel’s intelligence and defense establishment remain actively focused on transregional and cross-border security threats. Domestic political tensions and confrontations between Israelis and Palestinians in the West Bank and in and around Jerusalem also may consume Israeli intelligence and domestic security resources. There is insufficient publicly available information at this time to determine whether or how these factors may have affected Israel’s ability to detect, prevent, and respond to the October 7 attacks.

Some observers may raise questions about U.S. intelligence detection or interpretation of data prior to the attacks. U.S. intelligence officials have not indicated that the United States had specific information to suggest the October 7 attacks were imminent. In April 2023, U.S. Director for Central Intelligence William Burns said, “Despite the promise of the Abraham Accords and progress to a normalization between Israel and more Arab states, tensions in the region, including between Palestinians and Israelis, threaten to bubble over again.”¹⁰⁰ The U.S. military and its naval partners periodically intercept weapons shipments in the Arabian Sea-Red Sea corridor that have been presumed to be destined for the Iran-backed Houthi movement in Yemen. It is possible that Hamas and other Gaza-based armed groups use similar sources, methods, and routes to acquire and smuggle weaponry.

Hamas figures have told the media that they compartmentalized information about their plans and limited dissemination to exclude even senior political leaders.¹⁰¹ The groups responsible also may have taken other operational security measures to conceal their activities and preparations. Hamas also may have suggested by its actions that it was unprepared for or unwilling to engage in a new round of conflict.¹⁰² Footage released by the attackers indicates that initial attacks were made

Intelligence Failure,” *New York Times*, October 8, 2023. One press report cited an unnamed Egyptian security official as saying that Egypt had warned Israel that the situation between Israel and the Palestinians risked “something big” happening. Israel’s government denied that Egypt had provided any specific warning. Several Arab governments have made statements in 2023 warning in general of a growing risk of Palestinian-Israeli confrontation. See Tia Goldenberg, “What went wrong? Questions emerge over Israel’s intelligence prowess after Hamas attack,” Associated Press, October 9, 2023; and NBC News, “Prime Minister Netanyahu denies reports that Egypt had warned Israel of Hamas attack,” October 9, 2023.

⁹⁷ White House, “Background Press Call by a Senior Administration Official Regarding Hamas Terrorist Attacks in Israel,” October 7, 2023.

⁹⁸ “Top US lawmaker affirms Cairo warned Israel days before onslaught,” *Times of Israel*, October 11, 2023.

⁹⁹ Tia Goldenberg, “What went wrong? Questions emerge over Israel’s intelligence prowess after Hamas attack,” Associated Press, October 9, 2023.

¹⁰⁰ U.S. Central Intelligence Agency, “DCIA @ Rice University,” April 11, 2023.

¹⁰¹ Hamza Hendawi, “Hamas political leaders were unaware of Israel incursion plan, Egypt officials say,” *The National*, October 9, 2023.

¹⁰² Samia Nakhoul and Laila Bassam, “Who is Mohammed Deif, the Hamas commander behind the attack on Israel?” Reuters, October 11, 2023.

against Israeli technical observation infrastructure along the Gaza-Israel line of control; the disabling of these sites may have contributed to the attackers' apparent achievement of operational surprise.

There is insufficient public information available at this time to determine whether or how the deployment locations of IDF personnel in Israel and the West Bank at the time of the attacks may have shaped events or the initial Israeli response. The attacks' occurrence during Jewish Israelis' observation of the Sabbath and the high holiday of Simchat Torah also may have benefitted the attackers and increased the likelihood that civilians would be found at home and that the public spread of information and mobilization of a response would be slower.

How is Israel's emergency unity government responding militarily?

On October 11, Prime Minister Netanyahu and major opposition figure Benny Gantz announced the formation of a "war management cabinet"—an emergency unity government (see text box below). Having formally declared war on Hamas, the Israeli government is mobilizing around 360,000 reservists, between three and four percent of Israel's total population. Netanyahu has stated that Israelis should expect prolonged conflict. With operations against attackers inside Israel reportedly concluded as of October 11, numerous Israeli air strikes have occurred in the Gaza Strip, and Israeli ground forces are reported to be building a base and massing in adjacent areas. Israeli officials have stated that they intend to fundamentally change the status quo in Gaza in order to reestablish security for Israel, but they have not specifically indicated whether they intend to attempt to completely remove Hamas and other armed groups from the territory.

Israel's Emergency Unity Government¹⁰³

Under reported terms of agreement between Netanyahu and Gantz, Gantz's National Unity party will apparently join the existing government coalition for the duration of the conflict in Gaza. Israel's war effort is to be the unity government's primary vocation; the agreement apparently stipulates that no unrelated legislation or government resolutions—including on Israel's judicial system—will be advanced during that time.

The war management cabinet will include Netanyahu, Gantz (a former defense minister and chief IDF commander), and Defense Minister Yoav Gallant, with Strategic Affairs Minister Ron Dermer and Gadi Eizenkot (another former chief IDF commander) as observers. Surrounding himself with highly experienced members of Israel's security establishment could help Netanyahu generate domestic support for difficult decisions related to the ongoing conflict.

Opposition leader Yair Lapid of the Yesh Atid party has not joined the unity government to date, perhaps because Netanyahu was apparently unwilling to dismiss ultra-nationalist figures from the larger security cabinet. The unity government reportedly has offered to have Lapid in the war cabinet were he to join at a later date.

Conflict considerations

Israeli air strikes and/or ground operations in the Gaza Strip may have uncertain results. They could last for an extended period of time, result in additional Israeli and Palestinian combatant and noncombatant casualties, cause further widespread damage to civilian infrastructure, continue to displace civilians, motivate retaliatory or opportunistic counterstrikes, and/or reshape Hamas security control, political fortunes, and organizational presence in the territory.

¹⁰³ Sources for this text box are 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.

- **Escalation and third-party intervention** – Several Iran-backed third parties have stated they may attack Israel in response to Israel’s operations in the Gaza Strip. Israel, the United States, and some other governments have warned third parties not to attack Israel or otherwise seek to take advantage of the current circumstances. The prospect of Lebanese Hezbollah and other Iran-backed groups on Israel’s northern border intervening poses special risks in light of the large, sophisticated arsenal of rockets and missiles these groups possess in the aggregate, and the combat experience their forces have accumulated during years of fighting in Syria and Iraq.
- **Hamas and Gaza’s future** – A severe curtailment or end to Hamas’s presence and control in Gaza could raise fundamental questions about the security and administration of the territory, and the protection and provision of services to its more than two million inhabitants.
- **Hostage rescue and diplomacy** – Israel, with or without U.S. advisory support, could launch military operations specifically seeking to recover hostages, and may engage in direct or brokered negotiations resulting in the release of hostages and prisoners held by Israel.

Iron Dome

According to figures from the IDF, from October 7 through October 10, Hamas, other Gaza-based Palestinian militants, and Hezbollah fired 4,500 rockets at Israel.¹⁰⁴ Of that amount, roughly half were fired within the initial hours of Hamas’s surprise attack against Israel in the early morning of October 7. Iron Dome’s targeting system and radar are designed to fire its Tamir interceptors only at incoming projectiles that pose threats to the area being protected, and, in previous rounds of Israel-Hamas confrontations, Iron Dome’s interception rate has exceeded 90%.¹⁰⁵ Nevertheless, when facing a rocket barrage, even with success rates exceeding 90%, some rockets reach populated areas. There is insufficient public information available at this time to authoritatively assess Iron Dome’s interception rate in the current conflict.¹⁰⁶ In the ongoing war, Israel has deployed Iron Dome batteries nationwide to defend both against rocket attacks emanating from Gaza and mortar and rocket attacks emanating from Syria and Lebanon.

Though Iron Dome apparently continues to successfully intercept incoming rockets at a high rate, some Israelis and some others are questioning whether Israel has become over-reliant on technological solutions both to deter their adversaries and prolong difficult policy dilemmas vis-à-vis the Palestinians.¹⁰⁷ According to one Israeli critic, though Iron Dome undoubtedly has provided Israelis a certain sense of security, it also has led many Israelis to “not feel the urgency,

¹⁰⁴ Government of Israel, Israel Defense Forces, <https://www.idf.il/en/>.

¹⁰⁵ “Israel says Iron Dome shoots down 97% of Gaza rockets,” Reuters, August 7, 2022.

¹⁰⁶ One analyst has said, “Iron Dome’s interception rate may have remained constant compared to previous conflicts, with the successful strikes due to the high number of rockets fired. It also seems possible, however, that the high number of rockets fired and their launch frequency overwhelmed the system and degraded its interception rate.” Fabian Hinz, “The Hamas attack and Israeli military options: Rocket use by Hamas and Islamic Jihad,” International Institute for Strategic Studies, October 10, 2023.

¹⁰⁷ Seth J. Frantzman and Aaron Mehta, “In wake of Hamas attack, Israel may have to change intel, tech strategy,” *Breaking Defense*, October 9, 2023. See also Michael Kopolow, “The Great Shattering,” Israel Policy Forum, October 9, 2023.

or sufficient enough optimism, to press their leaders to solve the underlying problems causing the long-term crisis facing Gaza.”¹⁰⁸

Did Iran play a role in planning, directing, or otherwise enabling the Hamas attacks?

It remains unclear to what extent, if at all, the government of Iran was directly involved in the October 2023 Hamas assault. U.S. and Israeli officials have stated publicly that despite the Iranian government’s longstanding support for Hamas and its enthusiastic praise for the October 2023 assault, they do not have evidence at this time that the government of Iran played a role in planning it or carrying it out.

On October 8, 2023, the *Wall Street Journal* reported, citing unnamed Hamas and Hezbollah sources, that senior Iranian officials from the Islamic Revolutionary Guard Corps (IRGC) met with Hamas counterparts (along with Hezbollah and PIJ leaders) in Beirut regularly since August to plan the attacks and, on October 2, 2023, “gave the green light for the assault.”¹⁰⁹ An October 9, 2023, *Washington Post* story was less definitive, reporting that planning for the assault began “as early as mid-2022” with “key support” from Iran (including training for Hamas militants in camps in Lebanon), but that “U.S. and Israeli officials said they have no firm evidence so far that Iran authorized or directly coordinated the attack.” That article said further that the “rockets and missiles launched by Hamas may have been locally produced, but they possess a clear Iranian pedigree.”¹¹⁰ Multiple outside experts have expressed skepticism that Hamas could plan such a complex and resource-intensive assault without the awareness, if not active support, of Iran.¹¹¹ However, CNN reported on October 11 that the United States had collected intelligence indicating senior Iranian officials were “caught by surprise” by the assault, perhaps as a result of Hamas’s operational independence from Iran.¹¹² The *New York Times* similarly reported the U.S. collection of intelligence showing that unnamed Iranian officials “who typically would be aware of operations involving the Quds Force” were surprised by the assault.¹¹³

U.S. officials in public statements maintained that firm evidence tying Iran directly to the assault did not exist as of October 10, 2023, though they also stated that “Hamas wouldn’t be around in the way that it is without the support that it’s received from Iran over the years,” as Secretary of State Antony Blinken said on October 8.¹¹⁴ Blinken stated the same day, “In this moment, we don’t have anything that shows us that Iran was directly involved in this attack, in planning it or carrying it out, but that’s something we’re looking at very carefully, and we’ve got to see where

¹⁰⁸ Anshel Pfeffer, “The Costly Success of Israel’s Iron Dome,” *The Atlantic*, May 24, 2021.

¹⁰⁹ Summer Said et al., “Iran helped plot attack on Israel over several weeks,” *Wall Street Journal*, October 8, 2023.

¹¹⁰ Joby Warrick et al., “Hamas received weapons and training from Iran, officials say,” *Washington Post*, October 9, 2023.

¹¹¹ Said et al., op. cit.; Dan De Luce et al., “Hamas attack bears hallmarks of Iranian involvement, former U.S. officials say,” *NBC News*, October 8, 2023.

¹¹² Zachary Cohen et al., “Initial US intelligence suggests Iran was surprised by the Hamas attack on Israel,” *CNN*, October 11, 2023.

¹¹³ Adam Entous et al., “Early intelligence shows Hamas attack surprised Iranian leaders, U.S. says,” *New York Times*, October 11, 2023.

¹¹⁴ U.S. State Department, “Secretary Antony J. Blinken with Dana Bash of CNN’s State of the Union,” October 8, 2023.

the facts lead.”¹¹⁵ On October 9, Deputy National Security Advisor Jon Finan said that “Iran is broadly complicit in these attacks,” given that Iran has been Hamas’s “primary backer for decades,” but that there were no signs of “direct involvement” by Iran as of yet.¹¹⁶ Finan also said “we do not have the ability to corroborate [the *Wall Street Journal* report] at this time.”¹¹⁷ A State Department spokesperson said on October 10, “we do not have information to suggest that Iran either directed or orchestrated these attacks by Hamas. Iran likely knew Hamas was planning operations against Israel, but without the precise timing or scope of what occurred.”¹¹⁸ An October 12 *Wall Street Journal* article, citing an unnamed U.S. official, said that a preliminary unclassified assessment by U.S. intelligence agencies mirrors the substance of the October 10 State Department remarks.¹¹⁹

An IDF spokesperson reportedly said something similar, saying, “Iran is a major player but we can’t yet say if it was involved in the planning or training.”¹²⁰ Another IDF spokesperson said, “We have no evidence or proof” of Iranian involvement but, “We are 100 percent sure that the Iranians were not surprised.”¹²¹ For their part, Iranian officials, as noted above, have denied direct involvement; one Hamas official said on October 9, 2023, that Iran was unaware of the operation in advance.¹²²

Some observers (including some Members of Congress) have tied the October 2023 Hamas assault to the September 2023 U.S.-Iran agreement that involved the freeing of several U.S. hostages in exchange for the transfer of \$6 billion in Iranian funds from South Korea to Qatar.¹²³ Secretary Blinken has reiterated that “the money in question – Iranian money, not American taxpayer dollars – is money that was allowed to accrue in a bank account from the sale of Iranian oil.”¹²⁴ U.S. Treasury Under Secretary for Terrorism and Financial Intelligence Brian Nelson wrote on X (formerly Twitter) on October 7, 2023, “All of the money held in restricted accounts in Doha as part of the arrangement to secure the release of 5 Americans in September remains in Doha. Not a penny has been spent.”¹²⁵ Though the funds are only available to fund the purchase of humanitarian goods (the same restrictions under which the funds were held previously in South Korea), these observers and Members argue that their availability to Iran could free up additional resources for other activities, including Iran’s support for groups like Hamas. On October 9, 2023,

¹¹⁵ U.S. State Department, “Secretary Antony J. Blinken with Kristen Welker of NBC’s Meet the Press,” October 8, 2023.

¹¹⁶ “U.S. to offer ‘every kind of support’ to Israel on hostages, White House advisor says,” CBS News, October 9, 2023.

¹¹⁷ Andrew Zhang et al., “‘No evidence or proof’: Israel and U.S. uncertain of Iran link to Hamas attack,” *Politico*, October 9, 2023.

¹¹⁸ U.S. State Department, Press Briefing, October 10, 2023.

¹¹⁹ Gordon and Strobel, “U.S. Says Iran Knew of Planning.”

¹²⁰ “No evidence yet of Iran link to Hamas attack, says Israeli military,” *Guardian*, October 9, 2023.

¹²¹ Andrew Zhang et al., op. cit.

¹²² Bassem Mroue and Sarah el Deeb, “Hamas official says Iran and Hezbollah had no role in Israeli incursion but they’ll help if needed,” Associated Press, October 9, 2023.

¹²³ See, for example, Congressman French Hill, “Release: Rep. Hill condemns Hamas attack on Israel,” October 7, 2023; Senate Foreign Relations Committee, Ranking Member’s Press, “Risch statement on terrorist attacks against Israel,” October 7, 2023. For background on the prisoner exchange/fund transfer agreement, see CRS Report R47321, *Iran: Background and U.S. Policy*, by Clayton Thomas.

¹²⁴ U.S. State Department, Secretary Antony J. Blinken with Lester Holt of NBC Nightly News, October 12, 2023.

¹²⁵ X, Under Secretary Brian Nelson (@UnderSecTFI), October 7, 2023, <https://twitter.com/UnderSecTFI/status/1710706779980464482?s=20>.

20 Senators wrote to President Biden asking him to rescind the waivers that facilitated the transfer and “work with” Qatar to “immediately freeze the accounts.”¹²⁶

H.Res. 776, introduced on October 11, would urge the Biden Administration to rescind the waivers authorizing the fund transfer. Asked about the funds in question on October 11, Treasury Secretary Janet Yellen reiterated that they “have not been touched” and that “I wouldn’t take anything off the table in terms of future possible actions.”¹²⁷ An October 12 press report said that Deputy Treasury Secretary Wally Adeyemo had told legislators that U.S. and Qatari officials had agreed to prevent Iran from accessing the funds for an unspecified period of time.¹²⁸

Could the conflict widen to include other actors against Israel?

Beyond Hamas, Israel faces hostile actors on a variety of fronts, many backed by Iran. The most acute of these threats comes arguably from Hezbollah, which many consider Iran’s closest and most capable proxy. Hezbollah last fought a war with Israel in 2006, when it launched thousands of rockets into northern Israel and conducted cross-border raids into Israeli territory. Its militia has since periodically launched rockets into Israel (and has reportedly acquiesced at times to Hamas or PIJ rocket strikes on Israeli-held territory from Lebanon, an apparent indication of deepening Hamas-Hezbollah ties) as Hezbollah has accumulated an arsenal of over 100,000 rockets and missiles.¹²⁹

On October 8, 2023, Hezbollah launched artillery and rocket attacks on Israeli targets, stating that it did so “in solidarity” with the Hamas attack the day before, prompting Israeli retaliatory strikes that killed Hezbollah fighters.¹³⁰ That those Hezbollah attacks targeted the disputed Shebaa Farms (an area not within Israel’s pre-1967 borders) was seen by some as an indication Hezbollah did not immediately seek to escalate.¹³¹ A raid by PIJ (and possibly including Hamas gunmen) across the Lebanese border on October 10 reportedly killed three Israeli soldiers and prompted further Israeli attacks on Hezbollah sites in Lebanon.¹³² U.S. officials have reportedly conveyed to Lebanese officials the message that “Hezbollah must not get involved,” while the militia’s leadership reportedly seeks to keep its operations “limited in scope, preventing a big spillover into Lebanon while keeping Israeli forces occupied in northern Israel.”¹³³ Still, Hezbollah may yet

¹²⁶ Text of the letter at <https://www.blackburn.senate.gov/services/files/B5653D28-BA82-4F3B-AC72-BF4443955935>. On September 11, 2023, Secretary of State exercised waiver authority under Section 1245(d)(5) of the FY 2012 NDAA (22 U.S.C. § 8513(d)(5)) and Sections 1244(i) and 1247(f) of the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA) (22 U.S.C. §§ 8803(i) & 8806(f)). See <https://s.wsj.net/public/resources/documents/IranWaiverLetter.pdf>. According to the State Department, these waivers were necessary to persuade European and South Korean banks to participate in the transactions necessary to move the funds into the supervised account in Qatar for what the Treasury Department is calling the humanitarian channel in Qatar. U.S. State Department, Press Briefing, September 12, 2023.

¹²⁷ C-SPAN, “Treasury Secretary holds news conference on priorities for IMF and World Bank,” October 11, 2023.

¹²⁸ Jeff Stein and Jacob Bogage, “U.S., Qatar agree to stop Iran from tapping \$6 billion fund after Hamas attack,” *Washington Post*, October 12, 2023.

¹²⁹ Patrick Kingsley et al., “Rockets from Lebanon point to growing Hamas cooperation with Hezbollah,” *New York Times*, April 8, 2023; Hanna Davis, “Lebanon: Inside Hezbollah’s arsenal,” *Middle East Eye*, June 2, 2023.

¹³⁰ “Israel, Hezbollah exchange artillery, rocket fire,” Reuters, October 8, 2023.

¹³¹ Daniel Byman, “Will Hezbollah join the war against Israel?” *Foreign Policy*, October 9, 2023.

¹³² “Lebanon’s Hezbollah on war footing but moves carefully as conflict widens,” Reuters, October 11, 2023.

¹³³ *Ibid.*

increase attacks as a way to distract Israeli forces or to seek a military advantage in northern Israel in the event of a large-scale Israeli military ground operation into Gaza.

Israel also faces threats from the West Bank, where tensions have increased dramatically in 2023 (see above). Newer Palestinian militant groups like the Jenin Brigades and Nablus-based Lion's Den—which polls suggest enjoy high levels of Palestinian domestic popularity—feature young fighters from across and even outside of the spectrum of militant factions that includes the secular, Fatah-linked Tanzim, and Islamist groups like PIJ and Hamas.¹³⁴ According to some open sources, various factors may fuel increased Palestinian militancy, including Israeli actions in the West Bank, PA weakness, socioeconomic challenges, and the easy availability of weapons.¹³⁵ One article suggests that much of the funding comes from Iran, supposedly allowing some fighters to earn \$300 to \$700 per month in an area of chronic unemployment, but that Iran defers to the local groups on operational planning and implementation. This same article says, “Much of the weaponry used by the Jenin fighters comes from Israel itself, stolen and sold on through criminal gangs, Israeli officials say. Some is smuggled across the Jordanian border, and some is improvised in local workshops.”¹³⁶

Hamas leaders have encouraged West Bank Palestinians to join their attack on Israel. Some Palestinians have held marches to celebrate the attacks.¹³⁷ Between October 7 and 11, 2023, at least 27 Palestinians, including some minors, were killed by Israeli forces or settlers in West Bank clashes.¹³⁸

Further afield, a years-long campaign of strikes inside Syria attributed to (and sometimes claimed by) Israel have targeted reported weapons shipments from Iran to Iran-backed armed groups. The transfer of such weapons, the reported presence in Syria of Iranian personnel and Iran-backed armed groups, and the consolidation of Syrian government control over areas of southern Syria adjacent to Israel increases the risk that Israel could face attacks from Syria in the event of wider conflict. Some media reports suggest that the United Arab Emirates warned the Syrian government not to intervene or to allow strikes against Israel from its territory; Emirati officials declined to confirm the reports.¹³⁹ On October 10, Israeli forces returned fire after indirect fire from southern Syria struck areas of northern Israel.

Armed groups in Iraq and Yemen have expressed support for the Hamas attacks on Israel and pledged support to Palestinians; some have threatened military action against U.S. interests if the United States intervenes militarily in the Israel-Hamas war. In Iraq, the Iraqi government Popular Mobilization Forces praised the attacks, as have leaders of the Badr Organization and U.S.-designated terrorist organizations Kata'ib Hezbollah, Harakat Hezbollah Al Nujaba, Asa'ib Ahl al Haq, and Kata'ib Sayyid al Shuhada.¹⁴⁰ Attacks by these groups on U.S. personnel in Iraq or a renewed political initiative by these groups and their allies to expel U.S. forces from Iraq could,

¹³⁴ Ayman Oghanna, “Inside the Lions’ Den: the West Bank’s Gen Z fighters,” *Economist (1843 Magazine)*, July 7, 2023; Udi Dekel, “The Lion’s Den: A Wake-Up Call for Imminent Challenges,” Institute for National Security Studies, October 19, 2022; Hani al-Masri, “The Jenin Brigades and The Lions’ Den: Palestine’s new resistance,” *Middle East Eye*, October 21, 2022.

¹³⁵ Dekel, “The Lion’s Den”; al-Masri, “The Jenin Brigades and The Lions’ Den.”

¹³⁶ Reuters, “Palestinian gunmen say they’re fighting for Jenin, not foreign backers,” August 14, 2023.

¹³⁷ “Street rallies celebrate Hamas onslaught in West Bank and throughout the Middle East,” *Times of Israel*, October 8, 2023; “Hamas deputy chief anticipates hostages will be swapped for Palestinian prisoners,” *Times of Israel*, October 8, 2023.

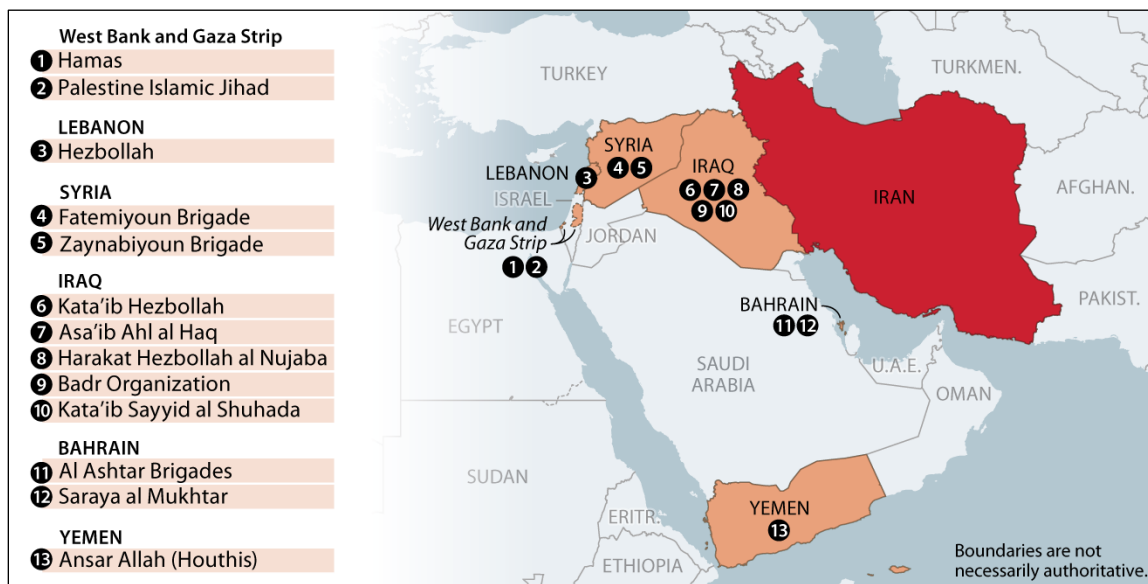
¹³⁸ Ali Sawafta and Henriette Chacar, “As Gaza war rages, Israeli forces kill 27 Palestinians in West Bank,” Reuters, October 11, 2023.

¹³⁹ Barak Ravid, “Scoop: UAE warns Syria’s Assad not to get involved in Hamas-Israel war,” *Axios*, October 9, 2023.

¹⁴⁰ Statements released October 9 and 10 on social media, and Iraqi media reports.

among other things, jeopardize U.S. counter-Islamic State operations in Syria and Iraq. On October 10, the leader of Yemen's Ansar Allah/Houthi movement Abdulmalik al Houthi gave a speech praising the attacks on Israel, calling for support to Hamas and other armed Palestinian groups, and threatening attacks if the United States intervenes militarily in Israel's war in Gaza.¹⁴¹

Figure 5. Regional Map of Selected Iran-Allied Groups



Source: CRS, based on various open sources.

What is the status of hostages taken from Israel?

Hamas claims to have “dozens” of hostages (including women and children) and said it had dispersed them, including in tunnels reported to span areas of the Gaza Strip.¹⁴² On October 9, Hamas reportedly claimed that an Israeli strike in Gaza had killed four hostages and their guards. As of October 10, the IDF said they had informed 50 families about hostage-takings, but had not announced a full estimate.¹⁴³ As of October 12, Israeli sources said the number of hostages in Gaza may be close to 200. On October 9, President Biden said, “we believe it is likely that American citizens may be among those being held by Hamas,” and he said “I have directed my team to work with their Israeli counterparts on every aspect of the hostage crisis, including sharing intelligence and deploying experts from across the United States government to consult with and advise Israeli counterparts on hostage recovery efforts.”¹⁴⁴ On October 11, John Kirby, National Security Council Coordinator for Strategic Communications, said,

we have a better — a little bit better sense today of how many more Americans are — are unaccounted for or missing. We know that a — a number of those Americans are being held hostage right now by Hamas. I think we all need to steel ourselves for the very distinct

¹⁴¹ Ansar Allah, “The Leader: We are in complete coordination with the axis of resistance, and if the Americans intervene, we are ready to do so,” October 10, 2023, <https://www.ansarollah.com/archives/633132>.

¹⁴² Hamas statement on Telegram social media, as reported in Cassandra Vinograd and Isabel Kershner, “Hamas Took Scores of Hostages from Israel. Here’s What We Know About Them,” *New York Times*, October 10, 2023.

¹⁴³ Emanuel Fabian, “IDF says it has contacted families of 50 hostages in Gaza,” *Times of Israel*, October 10, 2023.

¹⁴⁴ White House, “Statement from President Joe Biden on American Citizens Impacted in Israel,” October 9, 2023.

possibility that these numbers will — will keep increasing and that we may, in fact, find out that more Americans are part of the hostage pool.¹⁴⁵

The presence of hostages complicates Israeli military considerations and planning, along with U.S. diplomatic, military, and intelligence considerations. Past cases of Hamas hostage taking suggest that related concerns could persist for years.

In prior conflicts with Israel, Palestinian armed groups, including Hamas, have taken hostages and used them to extract concessions from Israel, including the release of prisoners. In 2011, Hamas secured the release of more than a thousand prisoners in exchange for a single Israeli soldier held hostage. On October 9, Al Jazeera aired a statement attributed to Hamas's Qassam Brigades threatening that Hamas would broadcast the execution of civilian hostages in response to any subsequent Israeli strikes on civilian homes that occur without prior warning.¹⁴⁶ Qatar, which allows some Hamas leaders to operate from Doha, reportedly has engaged Hamas figures in discussions on a potential swap of female Hamas-held hostages for female Palestinian prisoners held by Israel.¹⁴⁷ In an October 10 interview, one prominent Palestinian politician and civil society figure from the West Bank rejected Hamas's kidnapping of children, and said that messages had been delivered to Hamas to dissuade it from executing any hostages.¹⁴⁸ He indicated that Hamas was considering possible prisoner exchange proposals. On October 10, top Hamas political leader Ismail Haniyeh said that Hamas will not engage in negotiations on the status of hostages until the conflict concludes and that the group would only release hostages for agreeable concessions.¹⁴⁹

What are other relevant humanitarian considerations?

International legal responsibilities¹⁵⁰

All parties to the current conflict, including Hamas and Israeli forces, as well as any other state militaries or non-state armed groups who join the fighting, are prohibited by international humanitarian law (IHL) from causing undue suffering amongst civilians and combatants during the conflict. IHL, also known as *jus in bello*, is intended to limit harm and suffering caused by parties to an armed conflict. The basic principles of IHL include (1) the distinction between civilians and combatants; (2) the prohibition of attack on those not participating in armed conflict (*hors de combat*), including combatants who have surrendered or been wounded; (3) the prohibition against infliction of unnecessary suffering; (4) the principle of necessity, which permits military action only when necessary to weaken the military capacity of an enemy; and (5) the principle of proportionality, which prohibits military action that will cause injury or death to

¹⁴⁵ White House, "Press Briefing by Press Secretary Karine Jean-Pierre and NSC Coordinator for Strategic Communications John Kirby," October 11, 2023.

¹⁴⁶ An individual identified as Abu Ubaydah of the Al Qassam Brigades said, "Going forward, we announce that each time our peaceful people are targeted in their houses without a prior notice, we will respond by executing one of the civilian hostages. We will video the execution and broadcast it. We hold the enemy accountable for this decision before the world. The ball is in its court." Al Jazeera Satellite Television, October 9, 2023, 1700 GMT.

¹⁴⁷ Reuters, "Qatar leading talks to swap Hamas-held hostages for Palestinians in Israeli jails," October 9, 2023.

¹⁴⁸ Sarah Ferguson and Marina Freri, "Palestinian politician claims Hamas ready to swap hostages," ABC News Australia, October 10, 2023.

¹⁴⁹ Regional media reports on Hamas statement, October 10, 2023.

¹⁵⁰ Prepared by Matthew Weed, Specialist in Foreign Policy Legislation.

civilians or damage to civilian objects that is excessive in relation to the military advantage gained.¹⁵¹ IHL violations might have already occurred, be ongoing, or continue to take place as this conflict unfolds, as indicated by:

- the attacks of October 7 on civilians, including children and other non-combatants;
- reports of intentional or indiscriminate attacks on (or reckless endangerment of) civilians and destruction of civilian and cultural buildings—including places of worship, hospitals, and schools; and
- statements by officials on both sides of the conflict explaining plans to attack, starve, deny humanitarian assistance to, or destroy objects indispensable to a civilian population's survival.

Both Israel and the “State of Palestine” are required, as parties to the Geneva Conventions, to prevent and punish criminal violations of IHL (“war crimes”), systematic widespread attacks on civilian populations (“crimes against humanity”), and the intentional destruction of any group in whole or in part (“genocide”).¹⁵² In addition to whatever criminal jurisdiction Israeli and Palestinian systems of justice may have, the International Criminal Court (ICC) possesses the authority to investigate and prosecute these three types of crimes possibly committed during the current conflict. In December 2014, Palestinian leaders accepted ICC jurisdiction over crimes committed by Palestinian nationals or “in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014,” and in January 2015 the “State of Palestine” became party to the Rome Statute, the treaty that established the ICC.¹⁵³ After a preliminary examination, the ICC Prosecutor announced in March 2021 that she had opened a formal investigation into the “situation in Palestine.”¹⁵⁴ On October 10, 2023, the Office of the ICC Prosecutor stated that the Prosecutor’s investigation extends to the current conflict, and that the Office is continuously gathering information and evidence related to all alleged atrocity crimes.¹⁵⁵ Israel rejects the ICC’s jurisdiction over its nationals.¹⁵⁶

On October 7, the Permanent Representative of Israel to the United Nations Gilad Erdan sent a letter to the Security Council, writing that “this is an initiated attack by terrorist organizations led

¹⁵¹ See International Committee of the Red Cross, *Fundamentals of IHL*, https://casebook.icrc.org/law/fundamentals-ihl#d_iii. The foundational sources of modern IHL are the four Geneva Conventions of 1949, which provide protections for sick, wounded, and shipwrecked military personnel, prisoners of war, and civilians in armed conflict, as well as the three Additional Protocols to the conventions. See International Committee of the Red Cross, *The Geneva Conventions of 1949 and their Additional Protocols*, October 29, 2010, <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>. Both Israel and the “State of Palestine” are party to all four Geneva Conventions.

¹⁵² To the extent that Hamas is considered the governing authority for Gaza, which for purposes of the Geneva Conventions appears to be considered part of the “State of Palestine,” Hamas holds responsibility for adherence to the Geneva Conventions in Gaza. As a party to armed conflict, Hamas, whether considered as a state or non-state actor, is bound by the obligations of IHL and its officials and personnel are subject to criminal prosecution for atrocity crimes. See generally Jelena Pejic, “The Protective Scope of Common Article 3: More Than Meets the Eye,” *International Review of the Red Cross*, vol. 93, no. 881 (March 2011).

¹⁵³ International Criminal Court, *Situation in the State of Palestine*, ICC-01/18, <https://www.icc-cpi.int/palestine>.

¹⁵⁴ International Criminal Court, *Statement of ICC Prosecutor, Fatou Bensouda, Respecting an Investigation of the Situation in Palestine*, March 3, 2021, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-respecting-investigation-situation-palestine>.

¹⁵⁵ “ICC Prosecutor Says Mandate Applies to Current Israel-Palestinian Conflict,” Reuters, October 10, 2023.

¹⁵⁶ “Israel Rejects ICC Probe, Saying It Lacks Jurisdiction,” Associated Press, April 8, 2021.

by Hamas.”¹⁵⁷ That same day, U.S. Permanent Representative to the United Nations Linda Thomas-Greenfield reaffirmed to Israeli officials “our ironclad support for Israel’s security and right to self-defense.”¹⁵⁸ In a letter to the Security Council, Palestinian U.N. envoy Riyad Mansour alleged Israel’s actions through October 10 “constitute war crimes.”¹⁵⁹

U.S. policy

A senior U.S. defense official acknowledged the relevance of civilian protection concerns in an October 9 briefing, saying, “engagement on mitigating collateral damage and civilian casualties is always part of the conversation with all of our allies and partners. It’s no different with Israel.”¹⁶⁰ On October 10 and October 11, President Biden stated that he had discussed the importance of observation of the laws of war with Israeli Prime Minister Netanyahu.¹⁶¹ U.S. laws and regulations regarding arms sales and security assistance restrict certain sales of defense articles to foreign recipients found to have committed human rights violations.¹⁶² In light of the October 7 attacks and ongoing conflict, the numbers of wounded and the psychosocial needs of survivors will pose challenges for individuals, communities, and health systems.

In Gaza¹⁶³

The Gaza Strip is one of the most densely populated areas in the world. More than two million people, the majority of whom are registered Palestinian refugees, live in the territory and most rely on humanitarian assistance. In Gaza, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides humanitarian services to 1.4 million Palestinian refugees;¹⁶⁴ the U.N. Office for the Coordination of Humanitarian Assistance coordinates humanitarian assistance for other vulnerable populations. UNRWA has 13,000 national and international staff in Gaza, most of them refugees themselves.¹⁶⁵ Before the Hamas attack on Israel, the humanitarian situation in Gaza was already protracted and living conditions were dire.¹⁶⁶ UNRWA’s persistent funding shortfalls limited its capacity to respond.¹⁶⁷ The World

¹⁵⁷ X, Pamela Falk CBS News Correspondent United Nations, October 7, 2023, 2:01pm, <https://twitter.com/PamelaFalk/status/1710717063939936336>.

¹⁵⁸ United States Mission to the United Nations, “Statement by Ambassador Linda Thomas-Greenfield on Attacks on Israel,” October 7, 2023.

¹⁵⁹ Michelle Nichols, “Palestinian UN envoy accuses Israel of ‘genocidal’ campaign against Gaza,” Reuters, October 10, 2023.

¹⁶⁰ U.S. Department of Defense, “Senior Defense Official Holds a Background Briefing on U.S. Force Posture Changes in the Middle East,” October 9, 2023.

¹⁶¹ White House, “Remarks by President Biden on the Terrorist Attacks in Israel,” October 10, 2023.

¹⁶² For more information, see 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.

¹⁶³ Prepared by Rhoda Margesson, Specialist in International Humanitarian Policy.

¹⁶⁴ For information on UNRWA and U.S. contributions to it, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

¹⁶⁵ U.N. News, “Explainer: UN on the ground amid Israel-Palestine crisis,” October 10, 2023.

¹⁶⁶ U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), *2023 Humanitarian Response Plan: Occupied Palestinian Territory (OPT)*, January 2023; U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *Annual Operational Report 2022*, July 27, 2023.

¹⁶⁷ International Crisis Group, “UNRWA’s Reckoning: Preserving the UN Agency Serving Palestinian Refugees.” Report 242, September 15, 2023.

Food Program (WFP) cut assistance for 60 percent of its food aid recipients in Gaza in June 2023, despite deepening food insecurity, also due to underfunding.¹⁶⁸

Through October 11, 2023, hostilities and airstrikes in Gaza had destroyed infrastructure and humanitarian facilities and reportedly displaced more than 264,000 people, with some taking spontaneous shelter in UNRWA's schools, which are temporarily closed.¹⁶⁹ Although the numbers are fluid, according to the Palestinian Health Ministry, in Gaza as of October 12, an estimated 1,800 civilians had been killed and around 7,400 had been injured. Overcrowding and limited basic relief supplies, shelter facilities, and sanitation services are increasing problems for those civilians affected by the conflict. On October 9, Israel announced a "complete siege" in Gaza, cutting the supply to Gaza of food, water, fuel, and electricity.¹⁷⁰ Electricity and other resource shortages are having an impact on emergency services and health facilities amid high demand for lifesaving care.¹⁷¹ UNRWA and WFP are coordinating limited food distribution in shelters and aim to reach 800,000 beneficiaries with critical assistance.¹⁷² The intensity of the hostilities constrains the ability of humanitarian staff to deliver assistance and supplies into the territory. According to the United Nations, at least 11 U.N. employees had been killed in airstrikes in Gaza as of October 12.¹⁷³

Protection of civilians remains a key concern. The World Health Organization and other U.N. agencies and partners proposed establishing a humanitarian corridor for safe, unimpeded humanitarian access to reach people in Gaza with critical supplies.¹⁷⁴ The International Committee of the Red Cross, which is working closely with the Magen David Adom and the Palestine Red Crescent Society "to assist those who are wounded or sick and in need, has called for all parties to respect their obligations under international humanitarian law and to take every possible step to prevent civilians from further harm."¹⁷⁵

In Israel

After the October 7 attacks, Israeli authorities have evacuated tens of thousands of people from towns and cities in southern Israel. Thousands of people injured in the attacks on Israel are receiving medical support. Ongoing indiscriminate indirect rocket and mortar fire from the Gaza Strip poses security threats across southern and central Israel, and additional mass evacuations are possible. Prolonged civilian displacement in Israel could create humanitarian needs.

¹⁶⁸ WFP, "WFP sounds alarm on food security amid conflict in Israel and Palestine, urges immediate humanitarian access," October 8, 2023.

¹⁶⁹ UNRWA, "Situation Report # 4 on the situation in the Gaza Strip," October 11, 2023.

¹⁷⁰ Ruby Mellen et al., "Israel ordered a 'complete siege' of Gaza. Here's what that looks like," *Washington Post*, October 11, 2023.

¹⁷¹ UNRWA, "Situation Report # 4 on the situation in the Gaza Strip," October 11, 2023.

¹⁷² *Ibid.*

¹⁷³ "UN staffers killed in Gaza as the organization calls for emergency funding," CNN, October 11, 2023.

¹⁷⁴ U.N. News, "Explainer: UN on the ground amid Israel-Palestine crisis," October 10, 2023.

¹⁷⁵ International Committee of the Red Cross, "Israel and the Occupied Territories: Targeting civilians leads to further spirals of violence and hatred," October 10, 2023.

How have international actors responded?

Arab states

Most Arab governments have expressed desires for an end to violence, with some expressing or implying concern about the October 7 Hamas attacks, and many explicitly expressing support for the Palestinian people. Collectively, the League of Arab States (Arab League) member states have called for civilian protection and avoiding further escalation.

- An October 7 statement from **Saudi Arabia** called for “an immediate halt to the escalation between the two sides, the protection of civilians, and restraint” and highlighted the kingdom’s past warnings that Israeli policies could provoke confrontation.¹⁷⁶ On October 10, the Saudi cabinet said the kingdom “continues to exert efforts and to engage with international and regional parties to halt the ongoing escalation and prevent it from spreading in the region, and that it stands by the Palestinian people in the pursuit of their legitimate rights, attaining aspirations, and achieving a just and lasting peace.”¹⁷⁷
- **Qatar**, which reportedly hosts Hamas senior leaders, said on October 7 that it “holds Israel solely responsible for the ongoing escalation.”¹⁷⁸ On October 8, it called for “all parties to halt the escalation to attain calm and entirely halt the armed confrontations on all fronts.”¹⁷⁹
- The **United Arab Emirates (UAE)** called the Hamas attacks “a serious and grave escalation” and said the UAE government “is appalled by reports that Israeli civilians have been abducted as hostages from their homes. Civilians on both sides must always have full protection under international humanitarian law and must never be a target of conflict.”¹⁸⁰
- **Egypt** cited the dangers of ongoing escalation “following a series of attacks against Palestinian cities” – an apparent reference to some Israeli settlers’ actions in the West Bank preceding the October 7 Hamas attacks.¹⁸¹ In the same statement, Egypt called for “exercising the utmost restraint and avoiding exposing civilians to further risks” and called on Israel “to stop attacks and provocative actions against the Palestinian people, and to adhere to the rules of international humanitarian law with regard to the responsibilities of an occupying state.” On October 12, Egypt directed that international aid shipments should arrive via air to Arish in Egypt’s northern Sinai Peninsula, 30 miles from Gaza. Egypt stated that it had not permanently closed the Rafah crossing and called on

¹⁷⁶ Saudi Arabia Ministry of Foreign Affairs, Statement, October 7, 2023, <https://x.com/KSAmoFAEN/status/1710629609757086172?s=20>.

¹⁷⁷ Saudi Press Agency, “Custodian of the Two Holy Mosques Chairs Cabinet Session in Riyadh,” October 10, 2023.

¹⁷⁸ Qatar Ministry of Foreign Affairs, “Qatar Expresses Concern over the Developments in Gaza Strip and Calls for Deescalation,” October 7, 2023.

¹⁷⁹ Qatar Ministry of Foreign Affairs, “Qatar Reiterates Call for Halting Escalation to Protect Region from Danger of Descending into a Wider Cycle of Violence,” October 8, 2023.

¹⁸⁰ UAE Ministry of Foreign Affairs, “In a statement, the Ministry of Foreign Affairs has called for the protection of civilians and stressed that the immediate priority is to end the violence and protect the civilian population,” October 8, 2023, <https://www.mofa.gov.ae/en/mediahub/news/2023/10/8/8-10-2023-uae-population>.

¹⁸¹ Egypt Ministry of Foreign Affairs, “Egypt warns of the dire dangers of the ongoing escalation between the Palestinian and Israeli sides and calls for the exercise of the utmost restraint,” October 7, 2023.

Israel “to avoid targeting the Palestinian side of the border so that it could be successfully renovated and in shape to resume work.”¹⁸² On October 13, Egyptian President Abdel Fattah al Sisi said that Gazans must “stay steadfast and remain on their land,” and he committed to ensuring the delivery into Gaza of international humanitarian assistance arriving in Egypt.¹⁸³

- **Jordan’s** Foreign Ministry called for a halt to escalation¹⁸⁴ and its Royal Court said that in a call with PA President Mahmoud Abbas, King Abdullah II stated that “there can be no peace or stability without comprehensive resolution of the Palestinian issue on [the] basis of the two-state solution, guaranteeing the establishment of [an] independent sovereign Palestinian state on [the] 4 June 1967 lines with East Jerusalem as its capital.”¹⁸⁵ On October 10, Jordan said it would dispatch humanitarian relief supplies to Gaza through the Rafah crossing in coordination with Egypt.¹⁸⁶
- **League of Arab States** (Arab League) Secretary-General Ahmed About Gheit said during a visit to Moscow, “We completely reject violence, but on both sides,” and said, “The Palestinian problem cannot be postponed any longer, and the U.N. decisions must be implemented.”¹⁸⁷ The Arab League met at the ministerial level on October 11 to discuss the crisis and issued a decision calling for the cessation of Israel’s war and an end to further escalation.¹⁸⁸ The statement condemned the killing and targeting of civilians “by both sides” and acts contrary to international law. The statement further called for the release of civilians, prisoners, and detainees. Iraq and Libya asserted reservations to the statement’s inclusion of the phrase “by both sides.”

Iran

Iranian government officials have been united in expressing enthusiastic support for the assault, including:

- Supreme Leader Ayatollah Ali Khamenei, who wrote, “God willing, the cancer of the usurper Zionist regime will be eradicated at the hands of the Palestinian people and the Resistance forces throughout the region,” while reposting a video of civilians fleeing Hamas attackers on X (formerly Twitter).¹⁸⁹ In an October 10,

¹⁸² Heba Farouk Mahfouz, “Egypt says Rafah crossing isn’t permanently closed, urges Israel to stop targeting it,” Washington Post, October 12, 2023.

¹⁸³ “Gazans must ‘remain on their land’: Egypt’s al-Sisi,” Agence France Presse, October 13, 2023.

¹⁸⁴ Jordan Ministry of Foreign Affairs, Statement, October 7, 2023, <https://twitter.com/ForeignMinistry/status/1710624188925427893>.

¹⁸⁵ X, Jordanian Royal Court (@RHCJO), October 8, 2023, <https://twitter.com/rhcjo/status/1711082875821441104>.

¹⁸⁶ Jordanian Royal Court, “King issues directives to dispatch aid to Palestinians in Gaza,” October 10, 2023.

¹⁸⁷ Guy Faulconbridge, “Russia accuses US of ‘destructive’ approach on Israeli–Palestinian war,” Reuters, October 9, 2023.

¹⁸⁸ League of Arab States Resolution 8987, “On Ways to take political action to stop Israeli aggression and achieve Peace and Security,” October 11, 2023.

¹⁸⁹ X, “Supreme Leader Ayatollah Ali Khamenei (@khamenei_ir), October 7, 2023, https://twitter.com/khamenei_ir/status/1710752170096701778. Khamenei days earlier said much the same thing in public remarks. “Normalization with Israel like ‘backing the wrong horse’: Leader,” *Tehran Times*, October 3, 2023.

2023, speech, Khamenei praised the Hamas attack but said that Iran was not “behind this move.”¹⁹⁰

- President Ebrahim Raisi, who said, “Iran supports the legitimate defense of the Palestinian nation” and that Israel “and its supporters are responsible for endangering the security of nations in the region, and they must be held accountable.”¹⁹¹ Raisi reportedly spoke with Hamas and Palestine Islamic Jihad (PIJ) leaders.
- Iran’s U.N. Mission, which called the assault a “wholly legitimate defense against seven decades of oppressive occupation,” but said “we are not involved in Palestine’s response, as it is taken solely by Palestine itself.”¹⁹²
- Ali Akbar Velayati, former Minister of Foreign Affairs and a senior advisor to Khamenei, who in a letter to Hamas and Palestine Islamic Jihad (PIJ) congratulated the groups for “this great and serious victory, which is a serious warning to all compromisers in the region.”¹⁹³
- Foreign Ministry spokesperson Nasser Kanaani reportedly called the assault “the spontaneous movement of resistance groups and Palestine’s oppressed people in defense of their inalienable rights.”¹⁹⁴ Kanaani reportedly also denied Iran’s involvement, saying such “accusations...are based on political reasons” and “justifying the potential future actions” of Israel.¹⁹⁵

China and Russia

- The Foreign Ministry of the People’s Republic of China (PRC, China) released a statement calling on “relevant parties to remain calm, exercise restraint and immediately end the hostilities to protect civilians and avoid further deterioration of the situation.”¹⁹⁶ The statement went on to say that “The fundamental way out of the conflict lies in implementing the two-state solution and establishing an independent State of Palestine.”
- Russia expressed concern about violence between Israel and Palestinians and a Kremlin spokesman said, “It is very important to find ways as soon as possible to move towards some kind of negotiation process in order to reduce this escalation and move away from a military solution.”¹⁹⁷ In an October 10 meeting with Iraqi Prime Minister Mohammed Shia al Sudani, Russian President Vladimir Putin said that the attacks and conflict reflected failures of U.S. policy in the Middle East region.¹⁹⁸

¹⁹⁰ “Inside story: Iran’s supreme leader strongly rejects role in Hamas attack,” *Amwaj.media*, October 10, 2023.

¹⁹¹ “Iranian president backs assault on Israel, holds talks with Gaza terror leaders,” *Times of Israel*, October 8, 2023.

¹⁹² “Iran’s UN mission says Tehran not involved in Hamas attacks,” Reuters, October 8, 2023.

¹⁹³ “Iran’s president speaks with Hamas, Islamic Jihad leaders,” *Iran International*, October 8, 2023.

¹⁹⁴ “Iran says attack on Israel is Palestinian ‘self-defence,’” Reuters, October 7, 2023.

¹⁹⁵ “Iran denies it had role in Hamas attack on Israel, claims accusation is ‘political,’” *Times of Israel*, October 9, 2023.

¹⁹⁶ PRC Ministry of Foreign Affairs, “Foreign Ministry Spokesperson’s Remarks on the Escalation of Tensions Between Palestine and Israel,” October 8, 2023, https://www.fmprc.gov.cn/eng/xwfw_665399/s2510_665401/202310/t20231008_11157299.html.

¹⁹⁷ “Palestinian state ‘most reliable’ solution to conflict with Israel: Russia,” *Al Jazeera*, October 9, 2023.

¹⁹⁸ “Putin blames failure of US policy for Mideast conflict, Russia says talking to both sides,” Reuters, October 10, 2023.

United Nations¹⁹⁹

United Nations (U.N.) responses to the surprise attacks are fluid and continue to evolve as new developments emerge. More than 20 U.N. entities continue to operate in what the U.N. calls the “occupied Palestinian territory” with the aim of monitoring human rights and security as well as providing humanitarian and development assistance.²⁰⁰ The U.N. Security Council, which is mandated with maintaining international peace and security, held an emergency closed-door consultation on October 8, 2023, to discuss the attacks.²⁰¹ There is no public record of the meeting.²⁰² On October 10, the U.N. Human Rights Council’s Independent International Commission of Inquiry on the Occupied Palestinian Territory stated that it has been “collecting and preserving evidence of war crimes committed by all sides.” It emphasized that “reports that armed groups from Gaza have gunned down hundreds of unarmed civilians are abhorrent and cannot be tolerated. Taking civilian hostages and using civilians as human shields are war crimes.” The Commission also expressed “grave concern” with Israel’s attack on Gaza.²⁰³

Several U.N. officials broadly condemned the Hamas attacks and also stated the importance of protecting civilians and providing humanitarian access. U.N. Secretary-General António Guterres expressed “utter condemnation of the abhorrent attacks by Hamas and others.” He recognized the “legitimate grievances of the Palestinian people,” but noted that “nothing can justify these acts of terror and the killing, maiming and abduction of civilians.”²⁰⁴ He further stated: “While I recognize Israel’s legitimate security concerns, I also remind Israel that military operations must be conducted in strict accordance with international humanitarian law. Civilians must be respected and protected at all times. Civilian infrastructure must never be a target.”²⁰⁵

¹⁹⁹ Prepared by Luisa Blanchfield, Specialist in International Relations.

²⁰⁰ United Nations, “United Nations Country Team in Palestine,” at <https://unsco.unmissions.org/un-country-team-0>. These entities include UNRWA, the World Food Program, the U.N. Office for the Coordination of Humanitarian Affairs, and the U.N. Development Program. The U.N. peacekeeping mission in Lebanon (UNIFIL) monitors the security situation along the Israel-Lebanon border.

²⁰¹ At times, the U.N. General Assembly (the organization’s plenary body) has handled matters of peace and security under what is widely referred to as the “Uniting for Peace” (or U4P) resolution which sets out procedures for the Assembly to immediately consider matters of peace and security when the Council is unable to act due to a lack of unanimity among its five permanent members. Meetings pursuant to U4P can be initiated by Council or Assembly resolution. The Assembly has held 11 such sessions, including one addressing the Russia-Ukraine conflict in 2022.

²⁰² U.S. officials stated that in the meeting the United States called on Council members to condemn “these heinous terrorist attacks committed by Hamas.” (See *UN Web TV*, “Remarks following the Security Council closed consultations by Robert A. Wood, Alternate Permanent Representative of the United States to the United Nations, on the situation in the Middle East & Other matters,” October 8, 2023; and Associated Press, “US demands condemnation of Hamas at UN meeting, but Security Council takes no immediate action,” October 8, 2023.)

²⁰³ Drawn from U.N. Human Rights Council (HRC) Press Release, “Commission of Inquiry collecting evidence of war crimes committed by all sides in Israel and Occupied Palestinian Territories since 7 October 2023.” The 47-member HRC is the primary U.N. intergovernmental body tasked with addressing human rights situations. In May 2021, it established the aforementioned commission. The Biden Administration and some Members of Congress opposed the commission due in part to what they viewed as the HRC’s disproportionate focus on Israel and the commission’s open-ended nature.

²⁰⁴ U.N. document, SG/SM/21984, “‘It’s Time to End This Vicious Circle’ of Bloodshed, Hatred with Negotiated Peace Fulfilling Aspirations of Palestinians, Israelis, Secretary-General Stresses,” October 9, 2023.

²⁰⁵ Ibid. U.N. officials, including the U.N. High Commissioner for Human Rights Volker Türk and U.N. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths, issued similar statements. For Volker’s statement, see U.N. Press Release, “U.N. Human Rights Chief urges States to defuse ‘powder keg’ situation in Israel,” October 10, 2023. For Griffiths’s statement, see United Nations, “Statement by Martin Griffiths about the situation in Israel and the Occupied Palestinian Territory,” October 10, 2023.

According to the United Nations, at least 11 U.N. employees had been killed in airstrikes in Gaza as of October 12.²⁰⁶

What are the considerations for Congress and U.S. policy?

What consular services are available to U.S. citizens in Israel and Gaza?²⁰⁷

Over 160,000 Americans are estimated to be in Israel; Americans in Gaza are estimated to be in the hundreds. At least 27 Americans had been reported killed in the Hamas attacks as of October 13, and others remain unaccounted for and may be hostages. It is not known at this time if Americans may be among those killed or injured in Gaza or how many may seek safe passage.

The State Department has long provided consular services to American citizens around the world pursuant to laws passed by Congress. Section 43 of the State Department Basic Authorities Act of 1956 (BAA) requires the Department to serve as a clearinghouse of information on any major disaster or incident abroad affecting the health and safety of U.S. citizens.²⁰⁸ The State Department carries out this responsibility through the Consular Information Program (CIP). The CIP includes a range of products disseminated through several channels that are intended to inform U.S. citizens worldwide of potential threats to their health or safety and, when required, assist U.S. citizens in leaving the country in question.²⁰⁹ Following Hamas's attacks, the State Department released a Security Alert on October 7, 2023, stating that U.S. citizens in Israel, the West Bank, and Gaza were "reminded to remain vigilant and take appropriate steps to increase their security awareness as security incidents, including mortar and rocket fire, often take place without warning."²¹⁰ By October 11, the State Department had issued at least four additional Security Alerts.²¹¹

Section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 requires the State Department to provide for the safe and efficient evacuation of U.S. citizens when their lives are endangered abroad.²¹² In practice, when the State Department advises private U.S. citizens on available means to leave a country, it calls for them to use existing commercial transportation options whenever possible. In cases where U.S. citizens seeking to return to the United States lack the financial means to do so, Section 4 of the BAA authorizes the State Department to

²⁰⁶ "UN staffers killed in Gaza as the organization calls for emergency funding," CNN, October 11, 2023.

²⁰⁷ Prepared by Cory R. Gill, Analyst in Foreign Affairs.

²⁰⁸ Section 43 is a codified as amended at 22 U.S.C. §2715.

²⁰⁹ Channels through which the State Department disseminates CIP Products include the Bureau of Consular Affairs' website for U.S. citizens traveling abroad (<http://travel.state.gov>) and the Smart Traveler Enrollment Program (STEP). STEP is a digital service through which U.S. citizens traveling or living abroad can provide their contact information to receive CIP products applicable to any countries they select. CIP products are further disseminated through the websites of relevant overseas posts, the State Department's social media accounts, and systems of predesignated U.S. citizen "wardens" who pass information to other U.S. citizens.

²¹⁰ U.S. Embassy in Jerusalem, "Security Alert: U.S. Embassy Jerusalem," October 7, 2023, <https://il.usembassy.gov/security-alert-u-s-embassy-jerusalem-october-7-2023/>.

²¹¹ The State Department has posted all of these Security Alerts on the "News & Events" section of the U.S. Embassy in Jerusalem's website, <https://il.usembassy.gov/news-events/>.

²¹² Section 103 is codified as amended at 22 U.S.C. §4802.

provide loans to such persons.²¹³ This policy initially was reflected in a statement President Biden provided on October 9, 2023, which said in part that, “[f]or those [U.S. citizens] who desire to leave, commercial flights and ground options are still available.”²¹⁴ On October 10, a State Department spokesperson noted that the Department was in contact “with various carriers to encourage them to consider resuming travel in and out of Israel.”²¹⁵ That same day, National Security Advisor Jake Sullivan indicated that the United States was communicating with Israeli and Egyptian counterparts about the safe passage of civilians currently in Gaza.²¹⁶ On October 12, the State Department shifted its approach, announcing that it would begin arranging charter flights the following day to assist U.S. citizens and their immediate family members who wished to depart Israel.²¹⁷ This decision came amid State Department guidance noting that several major airlines were continuing to suspend flights at Israel’s Ben Gurion International Airport.²¹⁸

Whenever a U.S. citizen or national dies abroad, the State Department is required by law to notify “the next of kin or legal guardian as soon as possible.”²¹⁹ On October 10, the State Department indicated that it was “actively engaging” with the families of those who were killed by Hamas’s recent terrorist attacks against Israel.²²⁰ To date, it is unclear whether any U.S. citizens have been killed as a result of Israeli military action in Gaza. In cases where U.S. citizens die abroad, consular services the State Department provides include liaison with foreign governments and persons, along with U.S. air carriers, concerning arrangements for the preparation and transport of the remains of deceased citizens to the United States.²²¹

What roles might (or might not) the U.S. military play?

On October 9, President Biden announced that the United States would reposition the U.S.S. *Gerald R. Ford* Carrier Strike Group, already operating in the Mediterranean Sea, closer to Israel. According to the U.S. Department of Defense, the *Ford* strike group “will conduct maritime and air operations in order to assure allies and partners throughout the region and ensure regional stability. The *Ford* strike group is prepared for the full range of missions.”²²² According to unnamed defense officials, the U.S.S. *Dwight D. Eisenhower* carrier group reportedly also was previously scheduled to reach the Middle East region in late October and may relieve or join the *Ford* group.²²³ U.S. military officials also have ordered additional F-35, F-15, F-16, and A-10

²¹³ Section 4 is codified as amended at 22 U.S.C. §2671. See subsection(b)(2)(B) and (d).

²¹⁴ White House, “Statement from President Joe Biden on American Citizens Impacted in Israel,” October 9, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/09/statement-from-president-joe-biden-on-american-citizens-impacted-in-israel/>.

²¹⁵ State Department, “Department Press Briefing,” October 10, 2023, <https://www.state.gov/briefings/department-press-briefing-october-10-2023/>.

²¹⁶ White House, “Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan,” October 10, 2023, <https://www.whitehouse.gov/briefing-room/press-briefings/2023/10/10/press-briefing-by-press-secretary-karine-jean-pierre-and-national-security-advisor-jake-sullivan-9/>.

²¹⁷ State Department, “U.S. Government to Assist U.S. Citizens in Departing Israel,” October 12, 2023, <https://www.state.gov/u-s-government-to-assist-u-s-citizens-in-departing-israel/>.

²¹⁸ State Department, “Information for U.S. Citizens in Israel,” October 12, 2023, <https://travel.state.gov/content/travel/en/traveladvisories/ea/situation-in-israel-2023.html>.

²¹⁹ Section 43A of the State Department Basic Authorities Act of 1956, codified as amended at 22 U.S.C. §2715b.

²²⁰ State Department, “Department Press Briefing,” October 10, 2023.

²²¹ Section 43 of the State Department Basic Authorities Act of 1956, codified as amended at 22 U.S.C. §2715.

²²² Jim Garamone, “U.S. Helps Israel Defend Against Hamas Attacks,” DOD News, October 9, 2023.

²²³ Nancy A. Youssef and Gordon Lubold, “U.S. Weighs Deploying Second Aircraft Carrier Group,” *Wall Street Journal*, October 10, 2023.

aircraft to the Middle East region. The presence of U.S. naval vessels and military aircraft presumably also could facilitate or help secure the evacuation of U.S. nationals from Israel or neighboring countries if required. On October 11, the Marine Corps reported that the 26th Marine Expeditionary Unit departed from a training exercise in Kuwait “to prepare for further tasking as a result of emerging events.”²²⁴ As noted above, U.S. military and intelligence personnel are engaged with Israeli counterparts in assessing and responding to hostages taken from Israel, which may include U.S. nationals. Consultations on meeting Israeli equipment needs, whether from U.S. stocks or through the expediting of production orders, also are ongoing.

Underlying a number of statements by President Biden and other U.S. officials related to the Hamas attacks, the ongoing conflict, and/or possible intervention by other parties, the Administration is reportedly deliberating about what might or might not “trigger U.S. military involvement” beyond the aforementioned presence operations.²²⁵ On October 10, President Biden said, “Let me say again — to any country, any organization, anyone thinking of taking advantage of this situation, I have one word: Don’t.”²²⁶ Secretary of Defense Lloyd Austin repeated this formulation—“Don’t.”—on October 13 in Israel.

A senior U.S. defense official said U.S. “posture increases were intended to serve as an unequivocal demonstration in deed and not only in words of U.S. support for Israel’s defense and serve as a deterrent signal to Iran, Lebanese Hezbollah, and any other proxy across the region who might be considering exploiting the current situation to escalate conflict. Those adversaries should think twice.”²²⁷ John Kirby, National Security Council Coordinator for Strategic Communications, said on October 10 that “there’s no intention to put U.S. boots on the ground.”²²⁸ The Administration has not publicly shared its view of the President’s authority to use military force in this case. If the President chooses to assert that his Article II authorities are sufficient for some actions, he might cite deaths already suffered by American citizens and ongoing threats to U.S. citizens and personnel in the region.

Use of U.S. Armed Forces in Hostilities and War Powers²²⁹

Any possible involvement of U.S. armed forces in hostilities related to the current conflict or any expansion of such conflict raises issues related to the constitutional war powers shared by Congress and the President and the congressional role in decisions to use military force. The executive branch has claimed that the President can order the U.S. military to use force pursuant solely to Article II constitutional executive power for “important national interests,” including rescuing and safeguarding U.S. nationals abroad²³⁰ and preserving the security and stability of foreign allies.²³¹ Congress, in the War Powers Resolution, set out more circumscribed presidential war powers, however, stating that the President is permitted to “introduce United States Armed Forces into hostilities ... only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency

²²⁴ Irene Loewenson, “Marine unit leaves Kuwait exercise early because of ‘emerging events,’” *Marine Corps Times*, October 11, 2023.

²²⁵ Vivian Salama, “U.S. Looks at Risks of Deeper Involvement with Israel’s War on Hamas,” *Wall Street Journal*, October 11, 2023.

²²⁶ White House, “Remarks by President Biden on the Terrorist Attacks in Israel,” October 10, 2023.

²²⁷ U.S. Department of Defense, “Senior Defense Official Holds a Background Briefing on U.S. Force Posture Changes in the Middle East,” October 9, 2023.

²²⁸ White House, “Virtual On-the-Record Gaggle by NSC Coordinator for Strategic Communications John Kirby on Hamas Terrorist Attacks in Israel,” October 10, 2023.

²²⁹ Prepared by Matthew Weed, Specialist in Foreign Policy Legislation.

²³⁰ See Department of Justice Office of Legal Counsel, *Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization*, Memorandum Opinion for the Attorney General, 4A Op. O.L.C. 185, 187 (1980).

²³¹ See Department of Justice Office of Legal Counsel, *Authority to Use Military Force in Libya*, Memorandum Opinion for the Attorney General, 35 Op. O.L.C. 20, 33-34 (2011).

created by attack upon the United States, its territories or possessions, or its armed forces.”²³² While four authorizations for use of military force (AUMFs) are recognized as currently in force, it does not seem that any forms the basis of presidential authority to use military force in the context of the current conflict, or its possible expansion.²³³ Federal law concerning the protection of U.S. citizens abroad specifically states that the President is authorized to take action “not amounting to acts of war and not otherwise prohibited by law.”²³⁴ Section 3 of the War Powers Resolution states that the President “in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.”²³⁵ Congress might desire to avail itself of this consultation requirement in order to better inform itself as U.S. armed forces are deployed in response to the current conflict.

How has the Biden Administration acted to support Israel?

The United States has been Israel’s principal external military supporter for decades.²³⁶ In 2016, the United States and Israel signed their third Memorandum of Understanding (MOU) on foreign assistance, which is a non-binding executive-level agreement in which the United States government pledged, subject to congressional appropriation, to provide \$38 billion in military aid (\$33 billion in Foreign Military Financing grants, plus \$5 billion in defense appropriations for missile defense programs) to Israel from fiscal year (FY) 2019 through FY2028. P.L. 116-283, the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year 2021, authorizes “not less than” \$3.3 billion in annual FMF to Israel through 2028 per the terms of the current MOU. Appropriators have matched that authorization level each year since its passage.

In emergency circumstances, the MOU also provides for bilateral U.S.-Israeli agreement to go above and beyond the \$500 million in annual missile defense funding. After Israel’s 2021 military operation in Gaza, Congress appropriated \$1 billion in the FY2022 Consolidated Appropriations Act (P.L. 117-103) for Iron Dome for fiscal years 2022-2024. The funding was mainly to support the U.S.-Israeli co-production of Iron Dome’s Tamir interceptors, some of which are manufactured in the United States at Raytheon’s missiles and defense facility in Tucson, Arizona.

Expedited arms deliveries

On October 8, the Administration announced that it was expediting the provision of munitions to Israel that were already purchased.²³⁷ Expedited shipments were reportedly for small-diameter bombs (250 pounds) made by Boeing under a 2021 \$735 million Direct Commercial Sale.²³⁸ On October 10, President Biden said “We’re surging additional military assistance, including

²³² Section 2(c) of P.L. 93-148 (50 U.S.C. § 1541(c)).

²³³ The four AUMFs are a 1957 provision relating to the use of the U.S. military in maintaining Middle East peace and security (1957 AUMF; section 2 of P.L. 85-7; 22 U.S.C. § 1962); the Authorization for Use of Military Force Against Iraq Resolution (1991 AUMF; P.L. 102-1; 50 U.S.C. § 1541 note); the Authorization for Use of Military Force (2001 AUMF; P.L. 107-40; 50 U.S.C. § 1541 note); and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (2002 AUMF; P.L. 107-243; 50 U.S.C. § 1541 note). The 1957 AUMF, which applies to the “general area of the Middle East,” states that if the President so determines, “the United States is prepared to use armed forces to assist any such nation or group of such nations,” but only “against armed aggression from any country controlled by international communism.”

²³⁴ Section 9 of P.L. 100-222 (22 U.S.C. § 1732; reenacting Section 3 of P.L. 40-429 (R.S. § 2001)).

²³⁵ Section 3 of P.L. 93-148 (50 U.S.C. § 1542).

²³⁶ For additional background, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp.

²³⁷ U.S. Department of Defense, “Readout of Secretary of Defense Lloyd J. Austin III’s Call with Israeli Minister of Defense Yoav Gallant,” October 8, 2023.

²³⁸ Anthony Capaccio, “Boeing Sped 1,000 Smart Bombs to Israel After Hamas Attacks,” *Bloomberg*, October 10, 2023.

ammunition and interceptors to replenish Iron Dome.”²³⁹ On October 11, Israel’s Ministry of Defense announced on X (formerly Twitter) that the expedited U.S. equipment purchased by the ministry’s Directorate of Production and Procurement, US Procurement Mission, and International Transportation Unit had landed in Israel.²⁴⁰

What support does the United States provide to the Palestinians?

In 2021, the Biden Administration resumed some economic development, security, and humanitarian aid for Palestinians in the West Bank and Gaza. In 2019, the Trump Administration had suspended all U.S. aid to the Palestinians,²⁴¹ after a number of measures by the Administration and Congress in 2018 to halt or limit various types of aid.²⁴² Some of these measures reflected Trump Administration policies that unsuccessfully sought to compel Palestinian leaders to resume dialogue with U.S. officials (which the Palestinians had cut off following President Trump’s 2017 recognition of Jerusalem as Israel’s capital) and accept U.S. and Israeli negotiating demands. Additionally, the Taylor Force Act (TFA) prohibits most economic aid that “directly benefits” the PA. The TFA does not further define what constitutes a direct benefit. The law does not restrict economic aid for the Palestinian people or apply to non-lethal security assistance for the PA or humanitarian contributions (mentioned below) via UNRWA.

Under the Biden Administration, total bilateral U.S. aid to the Palestinians has approached pre-Trump Administration levels (see **Figure 4**), though the TFA’s enactment in 2018 has limited the allocation of funding for certain purposes due to restrictions against aid directly benefitting the PA.

In its FY2023 congressional budget justification, the State Department outlined the following as one of five strategic goals for U.S. foreign aid policy in the Middle East and North Africa region:

Achieving a comprehensive and lasting peace between Israelis and Palestinians is a long-standing U.S. national security goal. The United States seeks to advance equal measures of freedom, security, and prosperity for Israelis and Palestinians alike and work toward a negotiated two-state solution in which Israel lives in peace and security alongside a viable Palestinian state.... U.S. assistance to the West Bank and Gaza creates sustainable opportunities for market-oriented growth, strengthens accountability and transparency in governance through civil society development, and improves the quality of life for the Palestinian people.²⁴³

Past Administrations have used similar rationales to justify U.S. aid to the Palestinians. After the peace process began between Israel and the Palestine Liberation Organization in the 1990s, U.S. bilateral aid to the Palestinians in the West Bank and Gaza Strip supported U.S. efforts to incline the newly established PA toward better governance and economic development, and away from

²³⁹ White House, “Remarks by President Biden on the Terrorist Attacks in Israel,” October 10, 2023.

²⁴⁰ X, Israeli Ministry of Defense (@Israel_MOD), October 11, 2023, https://twitter.com/Israel_MOD/status/1711974862623813999.

²⁴¹ For more information on this development and subsequent legislative amendments that facilitated renewed congressional appropriations of bilateral aid for the West Bank and Gaza starting in FY2020, see archived CRS Report R46274, *The Palestinians and Amendments to the Anti-Terrorism Act: U.S. Aid and Personal Jurisdiction*, by Jim Zanotti and Jennifer K. Elsea.

²⁴² See, for example, Sections 7037-7040, and 7041(l) of the Consolidated Appropriations Act, 2023 (P.L. 117-328).

²⁴³ State Department, FY2023 Congressional Budget Justification, Appendix 2, p. 23.

violence against Israel. Congress routinely attaches a number of conditions to aid to the Palestinians in annual appropriations language.²⁴⁴

In addition to bilateral aid for the Palestinians, the Biden Administration has regularly provided voluntary contributions to UNRWA.²⁴⁵ U.S. contributions come from the Migration and Refugee Assistance account, which is administered through the State Department's Bureau of Population, Refugees, and Migration. UNRWA provides education, health care, and other social services to more than five million registered Palestinian refugees in the West Bank, Gaza, Lebanon, Jordan, and Syria. It is funded almost entirely through voluntary contributions from governments and other donors.

What are some possible options for Congress?

On October 10, President Biden announced that he would formally ask Congress “to take urgent action to fund the national security requirements of our critical partners.”²⁴⁶ According to several reports, the Israeli government has asked the President for precision-guided bombs (such as small-diameter bombs), Joint Direct Attack Munitions, or JDAMs (a kit that converts unguided armaments into satellite-guided bombs), and additional Iron Dome Tamir interceptors.²⁴⁷

Already, several Members have proposed draft bills in response to the conflict. A bipartisan House resolution (H.Res. 771) would support Israel's right to self-defense and support U.S. assistance to Israel broadly, denounce the Hamas attacks, and urge full enforcement of sanctions on Iran and aid conditions to prevent funding for Palestinian terrorists. One bipartisan group of lawmakers has proposed a bill (H.R. 5918) to provide Israel with \$2 billion in supplemental emergency funding for Iron Dome to remain available through FY2025.

The following are other potential options.

Presidential drawdown authority

Presidential Drawdown Authority (PDA) authorizes the President to allow for the immediate transfer of defense articles and services from U.S. stocks, up to a funding cap established in law, in response to an “unforeseen emergency” (22 U.S.C. §2318(a)(1)). For FY2024, the general cap for all countries is currently \$100 million.²⁴⁸ In the context of Russia's invasion of Ukraine, the Biden Administration has authorized 47 drawdowns initially valued at nearly \$25 billion.²⁴⁹ Section 5505 of the James M. Inhofe National Defense Authorization Act for FY2023 (P.L. 117-263) added paragraph 3 to 22 U.S.C. 2318(a) (FAA, Sec.506(a)), which created a separate drawdown category for Taiwan with its own dollar value cap. One option for Congress would be to consider whether or not to do the same for Israel.

²⁴⁴ See, for example, Sections 7037-7040, and 7041(l) of the Consolidated Appropriations Act, 2022 (P.L. 117-103).

²⁴⁵ For information on UNRWA, U.S. contributions to it, and congressional oversight, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

²⁴⁶ Op.cit., White House, October 10, 2023.

²⁴⁷ Michael Birnbaum, John Hudson and Ellen Nakashima, “Biden administration scrambles to deter wider Mideast conflict,” *Washington Post*, October 8, 2023; “U.S. Rushes Weapons to Israel — With More to Come,” Foundation for the Defense of Democracies, Flash Brief, October 10, 2023.

²⁴⁸ For FY2022, Congress increased the PDA funding cap (22 U.S.C. §2318(a)(1)) from \$100 million up to \$11 billion via P.L. 117-128. For FY2023, Congress established a PDA funding cap of \$14.5 billion via P.L. 117-328.

²⁴⁹ For Ukraine, on October 3, 2023, the U.S. Department of Defense confirmed that \$5.4 billion remained available in PDA authority.

Additional foreign military financing for Israel

According to the current MOU, “Both the United States and Israel jointly commit to respect the FMF levels specified in this MOU, and not to seek changes to the FMF levels for the duration of this understanding.” However, because appropriations are subject to the approval of Congress, some lawmakers have indicated that they would favor exceeding annual MOU-delineated FMF limits. Under Israel’s second MOU and during the 115th Congress, Senator Lindsey Graham led an effort to amend P.L. 114-254, the “Further Continuing and Security Assistance Appropriations Act, 2017,” and Congress enacted this amendment in the FY2017 omnibus act (P.L. 115-31) to provide \$75 million in FMF for Israel in FY2017 only. That amount was above the \$3.1 billion in FMF Congress regularly appropriated for Israel in FY2017. Congress could consider whether or not to do so similarly again.

Use of U.S. stockpile in Israel

Since the 1980s, the United States has stockpiled military equipment in Israel, but only “single-use” armaments that could not be used by the IDF. Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. §2321h) allows U.S. defense articles stored in war reserve stocks to be transferred to a foreign government through Foreign Military Sales or through grant military assistance, such as FMF. Congress limits the value of assets transferred into War Reserves Stocks for Allies (WRSA) stockpiles located in foreign countries in any fiscal year through authorizing legislation. The FY2022 Consolidated Appropriations Act extended the authorization of WRSA-Israel (WRSA-I) through FY2025. Since 1989, Israel has requested access to the stockpile on at least two occasions, and Congress has called on successive Administrations to ensure the WRSA-I contains adequate supplies of precision-guided munitions to be made available to Israel in emergency situations.²⁵⁰ Congress could consider whether or not to engage the Administration on use of the WRSA-I.

Emergency arms sales

In the event that Israel requests the immediate use of U.S. equipment not on hand, U.S. law provides for emergency sales of U.S. equipment without congressional review. Per provisions in the Arms Export Control Act (AECA), Israel, along with North Atlantic Treaty Organization (NATO) member states, Japan, Australia, South Korea, and New Zealand (commonly referred to as NATO+5) already have shorter congressional review periods (15 days instead of 30) and higher dollar notification thresholds than other countries for both Foreign Military Sales and commercially licensed arms sales, or Direct Commercial Sales. In more urgent situations, the AECA authorizes the President to declare, in a formal notification to Congress, that “an emergency exists” requiring that a sale of U.S. equipment to a foreign partner is “in the national security interests of the United States,” thereby waiving mandatory congressional review. At times, past Administrations have used AECA emergency authorities to immediately sell arms to foreign partners, which generated debate in Congress over the cases in question and the broader availability and use of the authorities by the executive branch.²⁵¹

²⁵⁰ Op.cit., CRS Report RL33222.

²⁵¹ See CRS Report R44984, *Arms Sales in the Middle East: Trends and Analytical Perspectives for U.S. Policy*, coordinated by Clayton Thomas.

Humanitarian assistance

Russia's invasion of Ukraine, other conflicts, and increased global hunger, among other factors, have placed considerable demands on U.S. assistance resources. A prolonged Israel-Palestinian conflict in the Gaza Strip could create additional humanitarian needs in an already strained region, and may generate appeals for additional U.S. assistance. The uncertain scope and duration of conflict and the security and political environment in the Gaza Strip create challenges for the United States and others in providing support to the civilian population without strengthening armed terrorist groups. Congress may be asked to consider additional humanitarian response funding (via International Disaster Assistance (IDA), Migration and Refugee Assistance (MRA), or emergency food assistance via foreign operations appropriations accounts) as a component of a supplemental appropriations request and may debate the scope and conditions under which current or any new humanitarian assistance should be allocated. The United States also may consult with other international actors to identify resources and establish consensus practices for the provision of humanitarian assistance during and after the conflict.

Sanctions or aid restrictions related to Hamas and PIJ

In addition to existing U.S. authorities prohibiting U.S. persons from transacting with U.S.-designated terrorists, Congress may consider whether or not to add, amend, or remove various sanctions or aid restrictions related to Hamas or its allies and sources of support. The following bills have been introduced in the 118th Congress:

- **Hamas International Financing Prevention Act (H.R. 340)** – Among other things, this bill would require the executive branch to (1) impose secondary sanctions (subject to a presidential waiver based on national security grounds) on foreign persons or governments that transact with or provide certain types of support to Hamas, PIJ, or any affiliates; and (2) report to Congress on activities of foreign countries that support or have other specified interactions or connections with Hamas, PIJ, or any affiliates.
- **Hamas and Palestinian Islamic Jihad International Terrorism Support Prevention Act of 2023 (S. 1647)** – Similar to H.R. 340, and would broaden the scope of sanctions to some foreign parties that transact with or provide certain types of support to some militant groups in the West Bank and Gaza in addition to Hamas, PIJ, and their affiliates.
- **Stop Taxpayer Funding of Hamas Act (S. 489)** – This bill would (1) prohibit the expenditure of any U.S. government funds in Gaza until the President certifies to Congress that no funding would benefit people who belong to or are “controlled or influenced” by Hamas, PIJ, or another FTO; and (2) prohibit the expenditure of any U.S. government funds in Gaza through any U.N. entity or office unless the President certifies to Congress that such entity or office “is not encouraging or teaching anti-Israel or anti-Semitic ideas or propaganda.”

Efforts to prevent Hamas and PIJ from accessing cryptocurrency resources²⁵²

The U.S. government maintains a robust legal regime and policy apparatus for combating terrorist financing domestically and internationally, which are broadly applicable to illicit financial

²⁵² Prepared by Rebecca M. Nelson, Specialist in International Trade and Finance; and Liana W. Rosen, Specialist in International Crime and Narcotics.

transactions conducted by Hamas and PIJ.²⁵³ Efforts to counter the financing of terrorism (CFT) are built within the U.S. anti-money laundering (AML) financial regulatory regime and integrated across the law enforcement and national security community to pursue terrorist financing investigations and prosecutions and target the illicit financial flows associated with terrorist group activity. U.S. authorities may draw on AML/CFT authorities to gather financial intelligence, facilitate investigations, and share relevant information with foreign partners to pursue Hamas's cryptocurrency assets.

International AML/CFT best practices also include the application of targeted financial sanctions related to terrorism and terrorist financing. The Financial Action Task Force (FATF), an intergovernmental organization that promotes international AML/CFT recommendations, assessed in its most recent evaluation of the U.S. AML/CFT regime that the United States "has frozen a substantial volume of assets and other funds pursuant to its targeted financial sanctions (TFS) programs and appears also to have kept terrorist funds out of its financial system to a large extent."²⁵⁴

Hamas and PIJ are subject to U.S. sanctions as foreign terrorist organizations (FTOs) and as Specially Designated Global Terrorist entities (SDGTs). Under these sanctions programs, Hamas and PIJ assets are blocked and transactions with these groups by U.S. persons are prohibited. Importantly, U.S. sanctions apply equally to transactions conducted in traditional fiat currencies (e.g., dollars, yen, euros, pounds, renminbi) and transactions conducted in cryptocurrencies or other digital currencies. As a result, U.S. persons, including cryptocurrency exchanges located in the United States, are currently prohibited from processing transactions with Hamas and PIJ.

The United States could consider imposing secondary sanctions on cryptocurrency exchanges—that is, sanction any foreign cryptocurrency exchange that transacts with Hamas, PIJ, and/or affiliated groups. Such sanctions would raise the costs for foreign cryptocurrency firms engaging in transactions with these groups, potentially forcing foreign cryptocurrency entities to choose between (1) access to the U.S. financial system and U.S. dollar, and (2) transacting with these groups. Legislation was introduced in the 117th Congress to impose secondary sanctions on foreign cryptocurrency exchanges and related providers that process transactions with sanctioned Russian entities (S. 3867 and H.R. 7429). The legislation was criticized by some in the cryptocurrency industry as too broad.²⁵⁵

Incentives and disincentives for international actors

Actions and statements to date by the U.S. government, Israeli government, and U.S. partners in the region reflect shared interest in deterring the possible expansion of the current conflict to include other fronts or actors. Several international actors also have expressed specific concern about the imperatives of civilian protection and observance of international humanitarian law and the laws of armed conflict. Congress may review whether U.S. declaratory policy, implied military responses, possible economic or diplomatic sanctions, and/or offers of or conditions on U.S. assistance and advice adequately shape third parties' policy calculations and perceptions of incentives and disincentives. Congress may consider whether legislative and oversight activity

²⁵³ U.S. AML/CFT regulations apply to money services businesses (MSBs) involved in convertible virtual currencies (CVCs), including cryptocurrencies that have value that substitutes for currency (e.g., cryptocurrency exchanges, payment platforms, and automated teller machines). In addition to AML/CFT regulatory standards, the financing of terrorism is a federal offense (18 U.S.C. §2339C), as are providing material support to terrorists (18 U.S.C. §§2338A) and providing material support or resources to designated foreign terrorist organizations (FTOs; 18 U.S.C. §§2338B).

²⁵⁴ Financial Action Task Force, *United States*, Mutual Evaluation Report, December 2016, p. 87.

²⁵⁵ Andrew Throuvalas, "Senator Warren's Bill Will Hurt Crypto, Not Russia," *Crypto Potato*, March 20, 2022.

should seek to refine U.S. policy aims and determine what measures might best strengthen the effectiveness of U.S. policy as the conflict unfolds and the context changes.

Additional oversight

Congress in its oversight role could consider whether or not to assess: how and why Israeli and U.S. security establishments were surprised by the attacks; efforts to retrieve hostages; the safety and security of remaining U.S. citizens in Israel, the West Bank, Gaza, and surrounding countries; measures to ensure the proper use of U.S.-supplied defense articles; humanitarian needs; planning for post-conflict scenarios in Israel and the West Bank and Gaza; and the longer term implications of the attacks and conflict for U.S. interests in the Middle East region.

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