

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

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On October 7, 2023, the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) led surprise attacks against Israel from the Gaza Strip. More than 1,200 Israelis and foreign nationals (including at least 35 U.S. citizens in Israel) were killed. Hamas and other groups also seized 253 hostages on October 7. The stunning nature, scope, and lethality of the attacks and apparent intelligence failures have become a subject of analysis for Israeli and U.S. officials. Iran reportedly provides material support to Hamas, and according to U.S. officials may be complicit in a broad sense, but President Joe Biden said in October “there is no evidence” that Iran helped plan the attack.

In response to the October 7 attacks, Israel declared war on Hamas and launched aerial bombardment and ground operations in Gaza. As of March 12, 2024, more than 31,000 Palestinians in Gaza have been killed. Israel and Hamas agreed to a multiday pause in fighting in late November. During the pause, 110 hostages held in Gaza and 250 Palestinian prisoners held by Israel were released. Hamas and others reportedly hold some 130 persons (with at least 30 probably dead), including about five living Americans.

The situation in Gaza, with an estimated 1.7 million Gazans displaced (out of a population of approximately 2.1 million people) constitutes a humanitarian crisis. More than 60% of the housing units in Gaza have reportedly been destroyed or damaged. Some food and other essential supplies have entered Gaza via Egypt and Israel during the conflict, but delays and other obstacles to transporting aid through crossings and Israeli checkpoints and then safely delivering it—particularly in northern Gaza—contributed to a late February U.N. assessment that one-quarter of Gaza’s people were “one step away from famine.” Amid an international outcry, assistance deliveries have increased; they remain short of U.N.-assessed needs. In early March, the United States and other countries began taking steps to provide additional humanitarian aid to Gaza via airdrops and a planned maritime corridor, while Israel opened a new land crossing directly into northern Gaza. In response to worsening food insecurity in Gaza, President Biden has ordered the U.S. military to construct a temporary port just offshore from Gaza to facilitate commercial shipments of assistance from Cyprus. The Department of Defense estimates that the port will be ready for use around 60 days from March 8.

Israeli Prime Minister Benjamin Netanyahu has called for “total victory,” the elimination of Hamas, and the return of all hostages. The Israel Defense Forces (IDF) has reportedly gained control over key areas of northern Gaza, withdrawn some of its forces, and shifted somewhat toward lower-intensity warfare while continuing operations farther south in an effort to target Hamas and its top leaders. Hamas’s tunnels make urban warfare more challenging. Negotiations involving the United States, Egypt, and Qatar have sought to resolve sticking points between Israel and Hamas on a potential multi-week cease-fire and hostage-prisoner exchange deal. The Biden Administration has stated that Israel has the right to defend itself, and has resisted calls from other international actors for an indefinite cease-fire. However, U.S. leaders have urged Israel to minimize casualties and increase humanitarian assistance in Gaza. The Administration also has publicly stated concerns about Israel’s plans to eventually move its forces into Gaza’s southernmost city of Rafah, urging Israel not to advance on the city without a credible plan to protect the over 1 million civilians living there—most of whom earlier fled other conflict areas.

Differences between officials from the United States, Israel, and the West Bank-based Palestinian Authority (PA) on post-conflict security and governance for Gaza may intensify the challenges involved. U.S. officials have expressed support for a resumption of PA administration in Gaza after the PA undertakes certain reforms, as part of efforts to move toward a two-state solution; PA and other Arab leaders insist on progress toward a Palestinian state for them to cooperate with this transition. Prime Minister Netanyahu has made statements opposing a PA return to power in Gaza, and has insisted that Israel should have full security control of “all territory west of the Jordan River,” asserting that his years-long stance has prevented the establishment of a Palestinian state.

In an October 2023 supplemental budget request, President Biden asked Congress to appropriate more than \$14 billion in Israel-related funding, and more than \$9 billion in global humanitarian assistance that could partly be allocated for Gaza, Israel, and the surrounding region. Members of Congress have expressed differing views on the request and its various elements, with some debate focused on what level of oversight or conditionality (if any) to place on security assistance to Israel and humanitarian assistance to Gaza. The House and Senate have each passed bills and continue to deliberate on the way forward.

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Conflict Overview

Initial Attacks, Ongoing Conflict, and Humanitarian Crisis

On October 7, 2023, the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization, or FTO) led a series of surprise attacks from the Gaza Strip against Israel (see **Figure 1**).¹ Palestine Islamic Jihad (or PIJ, another FTO) claimed that its forces also participated in the attacks, and other militants outside of Hamas and PIJ may also have joined. The assault targeted Israeli military bases and civilian areas during a Jewish high holiday. The October 7 attacks' scope and lethality had no precedent in the 16 years since Hamas seized control of Gaza. The nature of the violence stunned Israelis and many others, and includes allegations of sexual violence.²

The apparent intelligence and operational failures in preventing the assault or limiting its impact have become a subject of debate in Israel and elsewhere. Some analysts have said that Israel may have missed signals, over-relied on technological solutions, and/or misread Hamas's intentions.³

Whether or not Iran had a role in the attack remains a question. Iran reportedly provides material support to Hamas, and according to U.S. officials may be complicit in a broad sense, but President Joe Biden said in October "there is no evidence" that Iran helped plan the attack.⁴

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

Israel's military mobilized hundreds of thousands of troops, has bombarded targets in Gaza from the air, and undertaken ground operations as well. About 1.7 million of Gaza's roughly 2.1 million people have been displaced from their homes (some multiple times) and face a dire "humanitarian situation" (discussed below).⁵ Reportedly, over 60% of Gaza's housing units have been destroyed or damaged.⁶ At various points in the conflict, Hamas and other Gaza-based militants have fired rockets indiscriminately into Israel. As of mid-March, the Israel Defense

¹ For historical context on the broader Israeli-Palestinian conflict and factors contributing to the current round of violence, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti, and CRS Report R44245, *Israel: Major Issues and U.S. Relations*, by Jim Zanotti.

² UN News, "'Clear and convincing information' that hostages held in Gaza subjected to sexual violence," says UN Special Representative," March 4, 2024.

³ Ronen Bergman and Adam Goldman, "Israel Knew Hamas's Attack Plan More Than a Year Ago," *New York Times*, November 30, 2023; Center for Strategic and International Studies, "Experts React: Assessing the Israeli Intelligence and Potential Policy Failure," October 25, 2023.

⁴ Scott Pelley, "President Joe Biden: The 2023 60 Minutes interview transcript," CBS News, October 15, 2023; White House, "Press Briefing by Press Secretary Karine Jean-Pierre and National Security Advisor Jake Sullivan," October 10, 2023. For more information on Hamas, its possible reasons for the attacks, and Iranian material support for Hamas, see CRS In Focus IF12549, *Hamas: Background, Current Status, and U.S. Policy*, by Jim Zanotti.

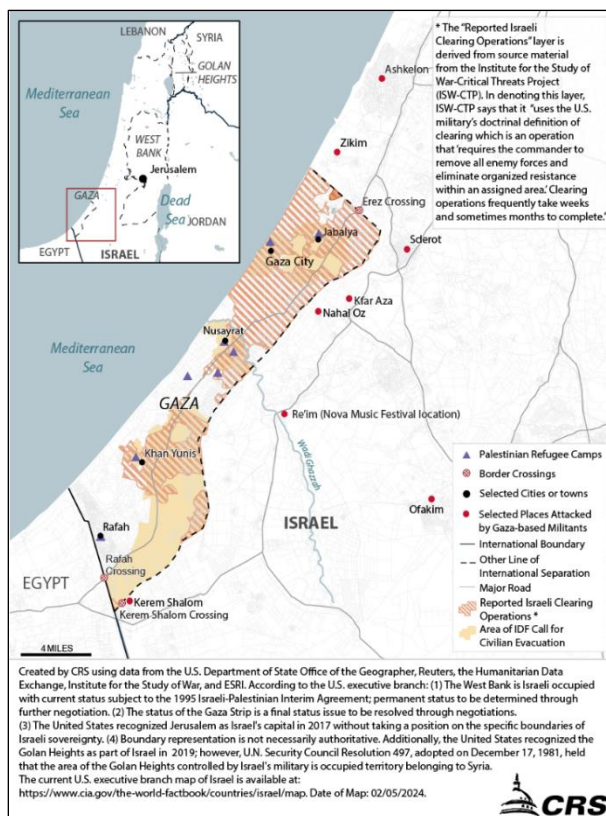
⁵ Office of the Director of National Intelligence, "Annual Threat Assessment of the U.S. Intelligence Community," February 5, 2024.

⁶ United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA), "Hostilities in the Gaza Strip and Israel - reported impact | Day 157," March 12, 2024. Palestinian housing damage figures come from the Hamas-controlled government media office in Gaza.

Forces (IDF) had consolidated ground operations in parts of northern Gaza, while it continues operations farther south; Hamas and other militias have continued mortar and other attacks.

Since January, Israel has withdrawn tens of thousands of troops and shifted somewhat toward lower-intensity warfare. Israeli leaders have said they eventually plan to conduct a major ground operation to secure Gaza's southernmost city of Rafah to corner Hamas's leaders and intact fighting units, triggering major U.S. and international concern about the safety and welfare of the over 1 million civilians there—most of whom earlier fled other conflict areas.

Figure 1. Israel and Gaza: Conflict Map



Reportedly as of March 12, 2024, more than 1,200 Israelis and foreign nationals (including at least 35 U.S. citizens in Israel) were killed as a result of the October 7 attacks, more than 31,000 Palestinians in Gaza have been killed, and more than 245 Israeli soldiers died since Israel's military began ground operations in Gaza.⁷ While various estimates indicate that between 6,000 and 13,000 of some 30,000 Hamas fighters have been killed, Hamas's unconventional tactics and tunnel network have helped its resilience and allowed its most senior leaders to elude Israel.⁸

Hamas and other groups reportedly seized 253 Israeli and foreign national hostages on October 7, including some Americans.⁹ Recovering hostages has been a major Israeli and U.S. concern.

⁷ UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #137," March 12, 2024; Department of State, "Secretary Antony J. Blinken at a Press Availability," Tel Aviv, Israel, November 3, 2023. Palestinian casualty figures come from the Hamas-controlled health ministry in Gaza.

⁸ Marcus Walker et al., "Why Hamas Thinks It Still Could Win the War," *Wall Street Journal*, March 1, 2024; "Gaza airstrike takes out senior Hamas recruiter as IDF raises troop death toll to 246," *Times of Israel*, March 4, 2024.

⁹ "Israel says 253 people taken hostage on October 7, announcing firm number for the first time," CNN, January 17, 2024.

Qatar, Egypt, and the United States facilitated a multiday pause in fighting between Israel and Hamas in the final week of November. During the pause, 110 hostages held in Gaza (including two U.S.-Israeli dual citizens) and 250 Palestinian prisoners held by Israel were released.¹⁰ Hamas and other groups reportedly still hold around 130 persons in Gaza (including about five living Americans), with reports suggesting that at least 30 of these hostages are probably dead.¹¹

Throughout the humanitarian crisis, U.N. and World Health Organization (WHO) officials have raised many public health concerns associated with overcrowding; acute water, food, and fuel shortages; poor sanitation; and challenges to hospitals' safety and functionality.¹²

Observers debate how to apportion blame between Israel and Hamas for dangers to civilians and the worsening of already dire humanitarian conditions in Gaza. While those faulting Israel argue that Israeli actions have inflicted casualties and limited life-sustaining supplies, those blaming Hamas assert that Hamas personnel in Gaza and other militants reportedly contribute to making civilian areas and facilities unsafe by operating in or near them.¹³

Worsening of Humanitarian Crisis and U.S./International Response

During February 2024, developments indicated that the humanitarian crisis in Gaza was intensifying, including:

- **Fewer truckloads coming into Gaza.** The daily average of trucks bringing in food and other humanitarian assistance prior to October 7 had been 500. According to U.N. figures, it was around 150 in January but dipped to under 50 during the second week of February. The average has since returned to slightly above the January levels.¹⁴ Possible contributing factors for the drop included various supply chain delays described by U.N. officials (including delays related to security and transport problems within Gaza, as discussed below), as well as some Israeli political protestors seeking to block the convoys.¹⁵ Facing charges from U.N. officials that it was not adequately facilitating aid delivery, Israel denied being responsible for bottlenecks at crossings¹⁶ and blamed humanitarian organizations for supply-laden trucks remaining idle inside Gaza, while the U.N. asserted that safe access to the trucks was sometimes lacking.¹⁷
- **Breakdown of security and safe transport within Gaza.** Major challenges emerged in transporting assistance to needy populations within Gaza. Gaza-based police largely stopped escorting convoys after multiple fatal attacks by Israeli forces against some of the police; Israeli officials claim that some of the police have sought to siphon goods to Hamas.¹⁸ Without police escorts, hungry crowds and armed gangs have reportedly looted some aid convoys before they could reach their planned delivery points.¹⁹ During one such

¹⁰ Erin Banco, "Gaza hostage talks hit roadblock, raising fears of prolonged captivity" *Politico*, December 7, 2023. Four hostages (including two Americans) were released before the late November pause.

¹¹ Ronen Bergman and Patrick Kingsley, "Israel Reveals Hostage Toll: 30 Are Dead," *New York Times*, February 7, 2024; Monica Pronczuk et al., "Aid Ship Heads to Gaza as Hezbollah Takes Aim at Northern Israel," *New York Times*, March 13, 2024.

¹² UN-OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #137," March 12, 2024; WHO, "oPT Emergency Situation Update," Issue 24, March 3, 2024.

¹³ See, for example, Michael Crowley and Edward Wong, "Under Scrutiny Over Gaza, Israel Points to Civilian Toll of U.S. Wars," *New York Times*, November 7, 2023; Jason Willick, "We can't ignore the truth that Hamas uses human shields," *Washington Post*, November 14, 2023; Avner Gvanyahu, "The Myth of Israel's 'Moral Army,'" *Foreign Affairs*, March 4, 2024.

¹⁴ UN-OCHA, "Hostilities in the Gaza Strip and Israel - reported impact | Day 157," March 12, 2024.

¹⁵ UN-OCHA, "Humanitarian Access Snapshot - Gaza Strip | End-February 2024."

¹⁶ "Human Rights Watch says Israel is violating order from top U.N. court by blocking aid to Gazans," Associated Press, February 26, 2024; Dion Nissenbaum et al., "Security Void Takes Toll on Gaza Aid Effort," *Wall Street Journal*, February 22, 2024.

¹⁷ "Why isn't desperately needed aid reaching Palestinians in Gaza?," Associated Press, February 21, 2024.

¹⁸ David S. Cloud and Carrie Keller-Lynn, "As Israel Drives Out Hamas, Lawlessness Hampers Gaza Aid Efforts," *Wall Street Journal*, February 27, 2024.

¹⁹ Barak Ravid and Laurin-Whitney Gottbrath, "U.S. officials warn: Gaza 'is turning into Mogadishu,'" *Axios*, February 24, 2024.

incident on February 29, more than 100 people were killed and 700 injured by some combination—subject to conflicting accounts—of gunfire from Israeli forces, stampeding, and vehicular trauma.²⁰ Additionally, Israeli forces have reportedly limited convoys' access to northern Gaza during the conflict, citing security reasons.²¹ In late February, a U.N. official stated that one-quarter of Gaza's population was "one step away from famine."²² Reports indicate that some 300,000 in northern Gaza are particularly at risk²³—with multiple cases of young children dead or near death from malnutrition.²⁴ In early March, the United States and some other countries began airdropping food and supplies to people in Gaza, while acknowledging that the airdrops—given their relative inefficiency—could only supplement rather than substitute for ground-level aid deliveries.²⁵ Additionally, Israel has prepared a new land crossing to allow aid to flow directly into northern Gaza.²⁶ According to senior U.S. officials, Israel also plans to surge more trucks coming from Jordan through the Kerem Shalom crossing, and to coordinate with the United States, the Republic of Cyprus, and other countries to inspect assistance that will be prepared in coming weeks for maritime shipment from Cyprus directly to Gaza.²⁷ Reportedly, endeavors funded by the European Union and United Arab Emirates aim to send amphibious supply vessels from Cyprus to Gaza in coming days.²⁸ For more information on U.S. policy on this issue, including plans to facilitate maritime shipments, as announced in President Biden's State of the Union address, see "Humanitarian Assistance for Palestinians" below.

Additionally, since the October 7 attacks, significant U.S. and international attention has focused on the extent to which conflict might expand in other areas of the region, including the West Bank, Lebanon, Syria, Iraq, and Yemen/Red Sea.²⁹

Political Developments and Implications

Possible cease-fire and/or continuation of conflict. Negotiations involving the United States, Egypt, and Qatar have sought to persuade Israel and Hamas to accept a proposed hostage-prisoner exchange that could pause the fighting for several weeks or more.³⁰ A temporary cease-fire deal did not materialize before the start of the Muslim holy month of Ramadan (March 10-April 9), leading to speculation about a possible spike in regional tensions.³¹

While the return of some hostages to Israel could alleviate domestic pressure on the Netanyahu government, it may face difficult debates about whether and how continued or resumed fighting

²⁰ Raja Abdulrahim et al., "Wait for Food Ended in Chaos, Panic and Death," *New York Times*, March 2, 2024.

²¹ Claire Parker, "How Israel's restrictions on aid put Gaza on the brink of famine," *Washington Post*, March 3, 2024.

²² United Nations Security Council Meeting, "Famine Imminent in Gaza, Humanitarian Officials Tell Security Council, Calling for Immediate Ceasefire," SC/15604, February 27, 2024.

²³ "Gaza cease-fire talks fail to achieve a breakthrough with Ramadan just days away, Egypt says," Associated Press, March 6, 2024.

²⁴ UN-OCHA, "Hostilities in the Gaza Strip and Israel - reported impact | Day 157," March 12, 2024.

²⁵ "How US airdrops of humanitarian aid into Gaza can help and why the operation is complicated," Associated Press, March 2, 2024.

²⁶ "UN uses new land route from Israel to reach northern Gaza," Reuters, March 12, 2024.

²⁷ White House, "Background Press Call on Humanitarian Aid for Gaza Ahead of the State of the Union," March 7, 2024.

²⁸ Hiba Yazbek et al., "U.S. and E.U. Plan to Bring More Aid to Gaza by Sea," *New York Times*, March 9, 2024; Sune Engel Rasmussen et al., "Sea Plan Tests U.S., Allies Ability to Help," *Wall Street Journal*, March 9, 2024.

²⁹ CRS In Focus IF12587, *Iran-Supported Groups in the Middle East and U.S. Policy*, by Clayton Thomas; CRS Insight IN12301, *Houthi Attacks in the Red Sea: Issues for Congress*, by Christopher M. Blanchard; CRS Insight IN12309, *Iraq: Attacks and U.S. Strikes Reopen Discussion of U.S. Military Presence*, by Christopher M. Blanchard.

³⁰ Barak Ravid, "Scoop: Hamas' top priority in hostage deal is Palestinians' return to northern Gaza," *Axios*, March 4, 2024.

³¹ Rory Jones and Dov Lieber, "Hamas Pins Survival Hopes on Ramadan," *Wall Street Journal*, March 11, 2024; "Hamas envoys leave Cairo, with deadlocked hostage deal talks to resume next week," *Times of Israel*, March 7, 2024.

might help it achieve its declared war aims of recovering hostages and destroying Hamas's military and governing capacity in Gaza. Prime Minister Netanyahu stated on March 10 that Israel has destroyed "three-quarters of Hamas's fighting terrorism battalions" and that additional warfare would not "take more than two months."³²

Arab states. Popular sentiment has placed pressure on Arab governments to oppose Israeli actions in Gaza,³³ even though many Arab leaders might welcome an end to Hamas rule there.³⁴ Together with other members of the Organization of Islamic Cooperation, Arab countries have called for an end to "Israeli aggression against the Gaza strip," more humanitarian aid, and a freeze on international arms exports to Israel.³⁵

International organizations. On November 15, the U.N. Security Council adopted Resolution 2712, which called for "urgent and extended humanitarian pauses" and the "immediate and unconditional release of all hostages held by Hamas and other groups," and urged all parties to refrain from depriving civilians in Gaza of "basic services and humanitarian assistance indispensable to their survival." On December 22, the Security Council adopted Resolution 2720, which called for "urgent steps to immediately allow safe, unhindered, and expanded humanitarian access and to create the conditions for a sustainable cessation of hostilities." The United States abstained from both resolutions. On January 26, the International Court of Justice (ICJ) found that it had jurisdiction over allegations by South Africa that Israel may have committed acts of genocide, and ordered Israel (among other provisional measures) to prevent the commission of or incitement to genocide and to "enable the provision of urgently needed basic services and humanitarian assistance" to Palestinians in Gaza.³⁶

U.S. Policy

Israeli Military Operations and Policies

The U.S. government has stated its support for military operations by Israel to defend itself in line with international law, including in Gaza. U.S. officials have publicly opposed calls for an indefinite cease-fire, citing Israel's right to defend itself.³⁷ Nevertheless, U.S. officials have voiced support for temporary pauses and additional hostage-prisoner exchanges.

While President Biden appears to broadly support Israel's stated objectives of ending Hamas rule in Gaza, he and Administration officials have sought to convince their Israeli counterparts to take steps to minimize casualties, reduce the intensity of their operations, step up humanitarian aid, and avoid "reoccupation."³⁸ The Administration's public criticism of Israel appears to have

³² Paul Ronzheimer and Carlo Martuscelli, "Netanyahu vows to defy Biden's 'red line' on Rafah," *Politico* (Europe), March 10, 2024.

³³ Cathrin Schaer, "Gaza conflict: Arab attitudes are hardening against Israel," *Deutsche Welle*, December 20, 2023.

³⁴ Robert Satloff, "From War to Peace in the Middle East? Observations from a Regional Tour," Washington Institute for Near East Policy, February 23, 2024.

³⁵ "Arab-Islamic summit adopts resolution on Israeli aggression against the Palestinian people," *Arab News*, November 12, 2023.

³⁶ ICJ Order, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, January 26, 2024.

³⁷ Joe Biden, "The U.S. won't back down from the challenge of Putin and Hamas," *Washington Post*, November 18, 2023.

³⁸ *Ibid.*; White House, "Remarks by President Biden at a Hanukkah Holiday Reception," December 11, 2023; White House, "Remarks by President Biden at a Campaign Reception," December 12, 2023. A National Security Council (continued...)

sharpened as the conflict has continued, and it has pressed Israel not to proceed with major military operations in Rafah without clearly planning for the safety and welfare of civilians.³⁹ Asked on March 9 whether an Israeli invasion of Rafah would be a red line, Biden said, “It is a red line but I’m never going to leave Israel. The defense of Israel is still critical. So there’s no red line (in which) I’m going to cut off all weapons so they don’t have the Iron Dome to protect them.”⁴⁰

U.S. Measures Regarding the West Bank

While Gaza has been the primary center of attention, smaller-scale violence has continued in the West Bank involving Palestinian militants, Israeli forces, and Israeli settlers. U.S. officials and lawmakers have signaled concerns related to Israeli actions in the West Bank that may endanger Palestinians’ lives or property.⁴¹ On February 1, President Biden issued Executive Order 14115, authorizing “financial sanctions against those directing or participating in certain actions, including acts or threats of violence against civilians, intimidating civilians to cause them to leave their homes, destroying or seizing property, or engaging in terrorist activity in the West Bank”;⁴² and the Administration imposed sanctions (including visa bans) on four individuals.⁴³ In March, one journalist wrote that language in E.O. 14115 authorizing sanctions against government officials who undermine West Bank stability by failing to enforce policies could be used as leverage to distance Prime Minister Netanyahu from his ultra-nationalist coalition partners.⁴⁴

Humanitarian Assistance for Palestinians

According to the U.S. Agency for International Development (USAID), for FY2024, the United States has announced more than \$180 million in humanitarian assistance for emergency relief efforts in the region since October 7.⁴⁵ USAID’s Bureau of Humanitarian Assistance had committed \$96.5 million in assistance for Gaza and the West Bank; the Department of State’s Bureau of Population, Refugees, and Migration had committed \$51 million for Gaza and the West Bank via the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and \$18.2 million for the region via another implementing partner.⁴⁶ The Department of State has announced a temporary pause in U.S. funding to UNRWA, pending further review of allegations that some UNRWA employees were involved in the October 7 attacks.⁴⁷

spokesperson has said a transitional period is plausible where “in the immediate aftermath, Israeli forces would be present for a specific period of time and for tactical security purposes.” White House, “Press Gaggle with NSC Coordinator for Strategic Communications John Kirby,” November 9, 2023.

³⁹ White House, “Readout of Vice President Harris’s Meeting with Member of Israeli War Cabinet Gantz,” March 4, 2024.

⁴⁰ “Biden makes contradictory comments on Gaza ‘red line’ in MSNBC interview,” Reuters, March 9, 2024.

⁴¹ Letter from 12 Senators to President Biden dated December 20, 2023, at https://www.heinrich.senate.gov/imo/media/doc/letter_to_potus_west_bank.pdf; Department of State, “Announcement of Visa Restriction Policy to Promote Peace, Security, and Stability in the West Bank,” December 5, 2023.

⁴² “Executive Order 14115 of February 1, 2024: Imposing Certain Sanctions on Persons Undermining Peace, Security, and Stability in the West Bank,” *Federal Register*, vol. 89, no. 24, February 5, 2024, pp. 7605-7608.

⁴³ Department of State, “Announcement of Further Measures to Promote Peace, Security, and Stability in the West Bank,” February 1, 2024.

⁴⁴ Yair Rosenberg, “Biden’s New Doomsday Option Against Israeli Settlers,” *The Atlantic*, March 6, 2024.

⁴⁵ USAID, Levant Complex Emergency Fact Sheet #4, March 8, 2024.

⁴⁶ Ibid.

⁴⁷ Department of State Press Briefing, January 30, 2024. According to this source, total U.S. funding for UNRWA (which provides services to refugees in Jordan, Lebanon, and Syria, in addition to those in Gaza and the West Bank) in FY2024 has been \$121 million.

U.S. Military Involvement in Airdrops and Facilitating Maritime Corridor to Gaza

As the humanitarian situation in Gaza has deteriorated, some lawmakers have called on the Administration to directly deliver aid to Gaza, in coordination with Israel.⁴⁸ In early March, United States Central Command—in concert with Jordan—began a series of airdrops of food into Gaza as part of a broader U.S. government policy to work with allies and partners to facilitate the expansion of humanitarian assistance to Gaza by land, air, and sea.⁴⁹ Casualties have reportedly resulted from at least one airdrop; U.S. officials have said U.S. airdrops were not to blame.⁵⁰

In his March 7 State of the Union address, President Biden announced that the U.S. military would lead an emergency mission to establish a port on the Gaza coast that can receive large ships carrying food, water, medicine, and temporary shelters.⁵¹ Administration officials said that the mission will be “conducted by the [Army’s] 7th Transportation Brigade from Joint Base Langley-Eustis, Virginia, and other forces, [and] will deploy DOD’s Joint Logistics Over-the-Shore capability, or JLOTS, with a goal of *beginning delivery operations in approximately 60 days* [emphasis added].”⁵² Any logistics ships will reportedly need armed escorts when in range of the coast.⁵³ Some have described the plan as “fraught with uncertainty” given security risks, delivery issues, and other obstacles.⁵⁴ According to U.S. officials, the plan involves the following:

- **Offshore construction of a temporary pier and causeway** with capacity to eventually deliver more than 2 million meals per day (according to one journalist, “conservatively Gaza needs 6.6 million meals a day”), without placing any of the over 1,000 U.S. military personnel involved in the operation onshore in Gaza.⁵⁵
- **Logistical and security coordination** that includes Israeli inspection of aid in Cyprus, commercial shipping to Gaza enabled by a U.S. military-led coalition, and distribution of assistance within Gaza by the U.N. and other organizations,⁵⁶ with Israel providing security.⁵⁷

Potential Post-Conflict Scenarios

The Administration has reportedly been conferring with Israeli, PA, and Arab state officials on security and governance for Gaza after conflict ends or abates. Tensions between supporting domestically legitimate Palestinian self-rule and safeguarding Israel’s capacity to monitor and stifle potential threats may intensify the challenges involved.

Biden Administration officials have said that a revamped PA should ultimately take responsibility for post-conflict governance in Gaza, while diplomatic efforts continue toward an eventual two-state solution.⁵⁸ PA President Mahmoud Abbas has indicated that the PA would only govern Gaza—which Hamas forcibly seized from the PA in 2007—in the context of significant progress

⁴⁸ Senator Jeff Merkley, “The U.S. Should Immediately Mobilize ‘Operation Gaza Relief,’” February 16, 2024; Heather Mongilio, “Pentagon Has No Plans to Send U.S. Navy Hospital Ship to Middle East,” *USNI News*, February 29, 2024.

⁴⁹ White House, “Background Press Call on the Humanitarian Assistance Airdrop into Gaza,” March 2, 2024.

⁵⁰ “Israel-Hamas war: U.S. official rejects claims that U.S. airdrop killed civilians,” NBC News, March 8, 2024.

⁵¹ White House, “Remarks by President Biden in State of the Union Address,” March 7, 2024.

⁵² DOD News, “DOD to Construct Pier to Deliver Humanitarian Aid to Gaza,” March 8, 2024.

⁵³ Helene Cooper and Eric Schmitt, “U.S. Widens Aid Effort for the People in Gaza, Even as It Backs Israel,” *Wall Street Journal*, March 11, 2024.

⁵⁴ Rasmussen et al., “Sea Plan Tests U.S., Allies Ability to Help.”

⁵⁵ Department of Defense, “Pentagon Press Secretary Air Force Maj. Gen. Pat Ryder Holds a Press Briefing,” March 8, 2024.

⁵⁶ White House, “Background Press Call on Humanitarian Aid for Gaza Ahead of the State of the Union,” March 7, 2024.

⁵⁷ White House, “Remarks by President Biden Before Air Force One Departure | Joint Base Andrews, MD,” March 8, 2024.

⁵⁸ Biden, “The U.S. won’t back down from the challenge of Putin and Hamas.”

toward establishing a Palestinian state in the West Bank and Gaza that has a capital in East Jerusalem.⁵⁹ President Biden has said that the PA “must prepare to build a state that accepts peace, [and] does not harbor terrorist groups like Hamas and [Palestine] Islamic Jihad.”⁶⁰ U.S. Ambassador to Israel Jack Lew has signaled that “an over the horizon process that includes a vision for a demilitarized Palestinian state” would be an important factor in persuading Arab countries to consider improving relations with Israel, supporting PA reform, and backing Gaza’s reconstruction.⁶¹ U.S. and PA officials have reportedly discussed possible mechanisms for improving PA leadership and domestic legitimacy. Some leading Palestinian figures argue that the PA cannot be strengthened via reforms without Israel granting it greater control over its revenues and security.⁶² Prospects for any Hamas role in post-conflict PA governance, which some leading PA figures appear to be discussing, would likely encounter U.S. and Israeli opposition.⁶³

Prime Minister Netanyahu has insisted that only Israel can demilitarize Gaza, and has argued that the PA should not rule Gaza because he alleges it provides rhetorical and financial support for terrorism.⁶⁴ In January, after President Biden reiterated his commitment to an eventual two-state solution, Netanyahu has insisted that Israel should have full security control of “all territory west of the Jordan River,” and said that his years-long stance has prevented the establishment of a Palestinian state.⁶⁵ Netanyahu may calculate that opposition to a two-state solution might rally domestic support for him and the ultra-nationalist figures in his coalition. The significant dip in Netanyahu’s public approval rating since the October 7 attack could lead to his government’s collapse and new Knesset elections sometime in 2024.⁶⁶

U.S. Expedited Arms Deliveries to Israel

Since October 7, the Biden Administration has expedited the provision of U.S. military and security assistance to Israel. Most U.S. arms deliveries have been for regular munitions (e.g., 155 mm artillery shells or tank rounds) and precision-guided munitions. According to one February account in the *Wall Street Journal*, the Administration is currently considering new deliveries of over a thousand each of MK-82 bombs, KMU-572 Joint Direct Attack Munitions kits, and FMU-139 bomb fuses, while, since the October 7, 2023 Hamas-led attacks, the United States has provided Israel “roughly 21,000 precision-guided munitions” and “Israel has used roughly half.”⁶⁷

Supplemental Appropriations Legislation

In an October 19 Oval Office speech, President Biden announced an emergency supplemental budget request to support U.S. partners, including Ukraine, Israel, and others, and to address other

⁵⁹ “Receiving US State Secretary, President Abbas demands immediate end to Israel’s aggression on Gaza,” Wafa News Agency, November 5, 2023.

⁶⁰ White House, “Remarks by President Biden and His Majesty King Abdullah II of Jordan After a Meeting,” February 12, 2024.

⁶¹ U.S. Embassy in Israel, “Ambassador Lew’s Remarks to the National Israel Mission of the Conference of Presidents,” February 18, 2024.

⁶² “US wants shakeup of Palestinian Authority to run Gaza after Hamas,” Reuters, December 16, 2023.

⁶³ Benoit Faucon et al., “Hamas Starts Planning for End of Gaza War,” *Wall Street Journal*, December 20, 2023.

⁶⁴ Benjamin Netanyahu, “Israel’s Three Prerequisites for Peace,” *Wall Street Journal*, December 26, 2023.

⁶⁵ Israel Prime Minister’s Office, “Statement by PM Netanyahu,” January 21, 2024.

⁶⁶ See, for example, James Shotter and Neri Zilber, “‘Benjamin Netanyahu—yes or no?’: the looming choice for Israeli voters,” *Financial Times*, February 1, 2024.

⁶⁷ Nancy A. Youssef, Jared Malsin, “U.S. Is Preparing to Send Bombs, Other Arms to Israel,” *Wall Street Journal*, February 17, 2024.

domestic and global issues.⁶⁸ In sum, the President seeks over \$14 billion in Israel-related funding. In the nearly five months since then, the House and Senate have considered respective versions of supplemental appropriations legislation addressing Israel, Gaza, Ukraine, Taiwan, and domestic matters such as U.S. border and tax policies.

To date, there have been three votes on supplemental appropriations bills, all of which would have come close to matching the President's Israel-related request but differed in other respects. On November 2, 2023, the House passed (by a vote of 226-196) H.R. 6126, the Israel Security Supplemental Appropriations Act, 2024. That bill would provide \$14.3 billion in Israel-related supplemental appropriations but would offset the proposed additional appropriations for Israel by rescinding \$14.3 billion for the Internal Revenue Service. On February 6, 2024, the House failed to pass (by a vote of 180-250)⁶⁹ H.R. 7217, the Israel Security Supplemental Appropriations Act, 2024. On February 13, 2024, the Senate passed, via a substitute amendment (by a vote of 70-29), H.R. 815, a bill that would provide \$14.1 billion in Israel-related supplemental appropriations, including

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

In addition, H.R. 815 also includes proposed provisions that would amend the Department of Defense Appropriations Act, 2005 (P.L. 108-287, §12001), to permit the transfer of previously prohibited categories of defense articles to the Government of Israel and temporarily waive limitations on the total value of defense stockpiles located in Israel and set aside for Israel's use, per 22 U.S.C. §2321h(b).

In addition to providing Israel-related funding, H.R. 815 would match the President's request by appropriating over \$9 billion via global humanitarian accounts that could be partly allocated to address the needs of those affected by the crisis in Gaza and Israel (including in neighboring countries): \$5.65 billion in International Disaster Assistance (IDA) and \$3.495 billion in Migration and Refugee Assistance (MRA). H.R. 815 includes global humanitarian assistance funds, some of which may be used to support the Palestinians, but the bill would explicitly prohibit funds (notwithstanding any other provision of law) appropriated in the bill (and prior

⁶⁸ The request is available at <https://www.whitehouse.gov/wp-content/uploads/2023/10/Letter-regarding-critical-national-security-funding-needs-for-FY-2024.pdf>.

⁶⁹ H.R. 7217 had been considered under Suspension of the Rules, which requires approval by at least two-thirds of voting members.

acts) for contributions to UNRWA. The bill also would require the Secretary of State to certify and report to Congress on U.S. oversight policies and procedures for monitoring assistance in Gaza. H.R. 815 also would provide \$2.44 billion to replace combat expenditures for weapons in the Red Sea and CENTCOM's other areas of operations.

As of mid-March 2024, some House lawmakers are considering using a Discharge Petition (218 signatures needed) to bring to the House floor H.R. 7372, the Defending Borders, Defending Democracies Act, a bill that would provide amounts related to Israel, Ukraine, and Taiwan. It includes \$10.7 billion in Israel-related appropriations (though no FMF). Unlike the Senate-passed H.R. 815, H.R. 7372 does not include global humanitarian funding. Some House lawmakers also are considering a second discharge petition to force a floor vote on H.R. 815.⁷⁰

Possible Options for Congress

Conditioning Aid to Israel

Lawmakers may consider whether to increase, maintain, decrease, or condition existing U.S. support for Israel. As humanitarian conditions in northern Gaza have reached critical levels, some lawmakers have called on President Biden to enforce Section 620I of the Foreign Assistance Act of 1961 (FAA), which prohibits providing certain assistance to foreign countries that block or impede delivery of U.S. humanitarian assistance.⁷¹ Other lawmakers have warned against an Israeli military operation in Rafah and argued that U.S. assistance should not support action that runs counter to National Security Memorandum-20 (NSM-20) on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services (described below).⁷² Other Members criticized NSM-20 and the February Executive Order on the West Bank (E.O. 14115), and have opposed tightening conditions on U.S. military aid to Israel.⁷³

To date, the White House has continued to indicate its overall public support for Israel's military campaign in Gaza.⁷⁴ When asked whether the Administration intends to restrict military aid to Israel per Section 620I of the FAA, State Department Spokesperson Matthew Miller said, "That is not a judgment that we have made."⁷⁵ According to one report, President Biden has "privately expressed skepticism to some Democrats that withholding weaponry to Israel would be effective, arguing that while Jerusalem would like more security aid, it does not currently need it."⁷⁶ However, another report suggests that President Biden is considering conditioning military aid if Israel were to conduct large scale operations in Rafah.⁷⁷

⁷⁰ Stephen Groves, "House Democrats and centrist Republicans launch separate efforts to force a vote on Ukraine aid," Associated Press, March 12, 2024.

⁷¹ Senator Bernie Sanders, "Sanders, Van Hollen, Merkley, and Five Colleagues Urge President Biden to Enforce U.S. Law with Netanyahu," March 12, 2024.

⁷² Representative Joaquin Castro, "Reps. Castro, Raskin, and Schakowsky Lead 30+ House Democrats in Urgent Appeal to Prevent Israeli Ground Invasion of Rafah," March 6, 2024; "US Democrats question arms to Israel over Gaza concerns," Reuters, March 6, 2024.

⁷³ Andrew Solender, "Israel aid fight in Congress reignited by threat of Rafah invasion," Axios, March 13, 2024; Senator Rick Scott, "Sens. Rick Scott, Tom Cotton & Colleagues to Biden: Rescind Directives Intended to Undermine Israelis," February 29, 2024.

⁷⁴ Department of State Press Briefing, March 4, 2024.

⁷⁵ Department of State Press Briefing, March 11, 2024.

⁷⁶ "As pressure mounts, Biden reportedly remains unwilling to condition aid to Israel," *Times of Israel*, March 1, 2024.

⁷⁷ Alexander Ward and Jonathan Lemire, "If Israel invades Rafah, Biden will consider conditioning military aid to Israel," *Politico*, March 11, 2024.

To date, President Biden has taken other steps that the Administration has identified as aimed at promoting adherence to international law and accountability for U.S. arms deliveries to Israel. On February 8, President Biden issued NSM-20, a new National Security Memorandum. Among other things, the directive requires that prior to the transfer of any U.S. defense article, the Departments of State and Defense must obtain written assurances from the recipient country that it will use any such defense articles in accordance with international humanitarian law and, as applicable, other international law.⁷⁸ According to one report, the White House has tasked the Department of State with providing it a list of pending defense export licenses for Israel to help U.S. officials prioritize deliveries and consider if there are issues which require “deconfliction.”⁷⁹

Congressional Review of Arms Sales to Israel

As the Biden Administration has expedited arms deliveries to Israel, some lawmakers are concerned that U.S. officials are either taking steps to bypass congressional review or have not provided Congress a full accounting of U.S. military support to Israel.⁸⁰ Since the October 7 attacks, there have been only two FMS notified to Congress (both were under emergency circumstances and therefore bypassed congressional review).⁸¹ According to one report, other FMS cases for Israel were either previously approved for delivery and accelerated, taken from the U.S. stockpile in Israel (known as War Reserve Stock for Allies-Israel or WRSA-I), and/or were not notified to Congress because their dollar value fell below the prior notice threshold⁸² for transfers to Israel.⁸³ Department of State officials have been cited as saying that there are currently 600 active cases of potential military transfer or sales—with a total value of more than \$23 billion—between the United States and Israel, and that U.S. officials have “followed the procedures Congress itself has specified to keep members well-informed and regularly brief members even when formal notification is not a legal requirement.”⁸⁴

Additional Humanitarian Assistance to Gaza and UNRWA

As mentioned above, the President’s October supplemental budget request includes more than \$9 billion in humanitarian assistance potentially usable for needs in and around Gaza and Israel from the MRA and IDA accounts. In February, the Administration said it expected \$1.4 billion of this amount to be planned for Gaza.⁸⁵ Members of Congress are debating the scope and conditions under which humanitarian assistance should be appropriated, including with respect to UNRWA

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

⁷⁹ Barak Ravid, “Scoop: White House asks State Dept., Pentagon for Israel-bound weapons list,” *Axios*, March 7, 2024.

⁸⁰ Senator Tim Kaine, “Kaine to File Amendment to Maintain Congressional Oversight of Foreign Military Assistance,” January 9, 2024.

⁸¹ Defense Security Cooperation Agency, “Israel—M830a1 120mm Tank Cartridges,” December 9, 2023, and “Israel – 155mm Artillery Ammunition,” December 29, 2023.

⁸² Per the Arms Export Control Act (AECA), in the case of sales to NATO member states, NATO, Japan, Australia, South Korea, Israel, or New Zealand, the President must formally notify Congress 15 calendar days before proceeding with the sale. The prior notice threshold values for transfers to these recipients are \$25 million for the sale, enhancement, or upgrading of major defense equipment; \$100 million for the sale, enhancement, or upgrading of defense articles and defense services; and \$300 million for the sale, enhancement, or upgrading of design and construction services. See CRS Report RL31675, *Arms Sales: Congressional Review Process*, by Paul K. Kerr.

⁸³ See, Jared Malsin and Nancy A. Youssef, “How the U.S. Arms Pipeline to Israel Avoids Public Disclosure,” *Wall Street Journal*, March 6, 2024.

⁸⁴ *Ibid.*

⁸⁵ Department of State Press Briefing, February 5, 2024.

or alternative implementing partners.⁸⁶ Some lawmakers have sponsored legislation or written letters calling for a halt to humanitarian aid in Gaza and/or greater monitoring of whether or not any U.S. assistance may previously have been diverted—or be at risk of future diversion—by Hamas or other groups.⁸⁷ Other lawmakers have called for additional humanitarian aid for the Palestinians.⁸⁸ In February 2024, 25 Senators wrote a letter to President Biden urging his Administration to work with Israel to increase humanitarian aid access to Gaza and investigate employee wrongdoing at UNRWA “so that the resumption of U.S. assistance through UNRWA, when appropriate, remains possible.”⁸⁹

Monitoring U.S. Security Assistance for Human Rights Purposes

Since the IDF began its operations in Gaza, some critics have accused Israel of causing excessive civilian casualties and possible misuse of U.S. defense equipment.⁹⁰ The IDF has maintained that while individual soldiers may have committed criminal offenses and are subsequently under investigation, the military as a whole has complied with international legal obligations and that noncombatant casualty figures have been deliberately exaggerated by Hamas.⁹¹

Reportedly, the Department of State is investigating the use of U.S. weaponry in Israeli airstrikes in Gaza that resulted in civilian casualties and the IDF’s use of white phosphorus munitions in Lebanon.⁹² According to a Department of State spokesperson, “We do seek to thoroughly assess reports of civilian harm by authorized recipients of U.S.-provided defense articles around the world.”⁹³ In December 2023, Senator Bernie Sanders introduced S.Res. 504, a privileged resolution, which would have mandated that the Department of State provide Congress with a report on Israel’s human rights practices within 30 days of passage, pursuant to Section 502B(c) of the Foreign Assistance Act of 1961. After receiving such a report, Congress, by joint resolution, may act to terminate, restrict, or continue security assistance to Israel. On January 16, 2024, the Senate voted 72-11 to table a motion to discharge S.Res. 504 from the Senate Foreign Relations Committee.⁹⁴

⁸⁶ CRS Insight IN12316, *The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Overview and the U.S. Funding Pause*, by Rhoda Margesson and Jim Zanotti.

⁸⁷ Text of October 24 letter from 24 Representatives to USAID Director Samantha Power, available at <https://www.documentcloud.org/documents/24080806-23-10-23-letter-to-usaid-re-gaza-west-bank-funding-copy>. Lawmakers in both chambers have introduced bills during the 118th Congress that would prohibit any U.S. funding for Palestinians in Gaza absent a presidential certification that (among other things) the assistance would not benefit Hamas or other terrorist organizations or affiliates. Senate version: S. 489; House version: H.R. 5996.

⁸⁸ Text of November 8 letter from 26 Senators to President Biden, available at https://www.vanhollen.senate.gov/imo/media/doc/letter_to_president_biden_on_gaza.pdf.

⁸⁹ Senator Chris Murphy, “Murphy, Van Hollen, Coons, Merkley, 21 Colleagues Urge Biden Administration to Work with Israel to Take 5 Steps to Get More Humanitarian Aid into Gaza,” February 2, 2024.

⁹⁰ See, for example, Brian Finucane, “Is Washington Responsible for What Israel Does with American Weapons?,” *Foreign Affairs*, November 17, 2023.

⁹¹ David S. Cloud, “Israel’s Military Investigates Soldiers for Misconduct,” *Wall Street Journal*, February 22, 2024.

⁹² Dion Nissenbaum and Vivian Salama, “Tensions Build Between Netanyahu and Biden,” *Wall Street Journal*, February 16, 2024.

⁹³ “US reviewing reports of civilian harm by Israel, State Dept says,” Reuters, February 13, 2024.

⁹⁴ Roll Call Vote 118th Cong. - 2nd Session, available at <https://www.congress.gov/bill/118th-congress/senate-resolution/504/actions>.

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