

Suspend the Rules And Pass the Bill, S. 2497, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

S. 2497

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2018

Referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Ileana Ros-Lehtinen United States-Israel Security As-
6 sistance Authorization Act of 2018”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Appropriate congressional committees defined.

TITLE I—SECURITY ASSISTANCE FOR ISRAEL

- Sec. 101. Findings.
- Sec. 102. Statement of policy regarding Israel’s defense systems.
- Sec. 103. Assistance for Israel.
- Sec. 104. Extension of war reserves stockpile authority.
- Sec. 105. Extension of loan guarantees to Israel.
- Sec. 106. Transfer of precision guided munitions to Israel.
- Sec. 107. Modification of rapid acquisition and deployment procedures.
- Sec. 108. Eligibility of Israel for the strategic trade authorization exception to certain export control licensing requirements.

TITLE II—ENHANCED UNITED STATES-ISRAEL COOPERATION

- Sec. 201. United States-Israel space cooperation.
- Sec. 202. United States Agency for International Development-Israel enhanced partnership for development cooperation in developing nations.
- Sec. 203. Authority to enter into a cooperative project agreement with Israel to counter unmanned aerial vehicles that threaten the United States or Israel.

TITLE III—ENSURING ISRAEL’S QUALITATIVE MILITARY EDGE

- Sec. 301. Statement of policy.

3 **SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
4 **FINED.**

5 In this Act, the term “appropriate congressional com-
6 mittees” means—

- 7 (1) the Committee on Foreign Relations and
8 the Committee on Armed Services of the Senate; and
- 9 (2) the Committee on Foreign Affairs and the
10 Committee on Armed Services of the House of Rep-
11 resentatives.

1 **TITLE I—SECURITY ASSISTANCE**
2 **FOR ISRAEL**

3 **SEC. 101. FINDINGS.**

4 Congress makes the following findings:

5 (1) In February 1987, the United States grant-
6 ed Israel major non-NATO ally status.

7 (2) On August 16, 2007, the United States and
8 Israel signed a ten-year Memorandum of Under-
9 standing on United States military assistance to
10 Israel. The total assistance over the course of this
11 understanding would equal \$30,000,000,000.

12 (3) On July 27, 2012, the United States-Israel
13 Enhanced Security Cooperation Act of 2012 (Public
14 Law 112–150; 22 U.S.C. 8601 et seq.) declared it
15 to be the policy of the United States “to help the
16 Government of Israel preserve its qualitative military
17 edge amid rapid and uncertain regional political
18 transformation” and stated the sense of Congress
19 that the United States Government should “provide
20 the Government of Israel defense articles and de-
21 fense services through such mechanisms as appro-
22 priate, to include air refueling tankers, missile de-
23 fense capabilities, and specialized munitions”.

24 (4) On December 19, 2014, President Barack
25 Obama signed into law the United States-Israel

1 Strategic Partnership Act of 2014 (Public Law 113–
2 296) which stated the sense of Congress that Israel
3 is a major strategic partner of the United States
4 and declared it to be the policy of the United States
5 “to continue to provide Israel with robust security
6 assistance, including for the procurement of the Iron
7 Dome Missile Defense System”.

8 (5) Section 1679 of the National Defense Au-
9 thorization Act for Fiscal Year 2016 (Public Law
10 114–92; 129 Stat. 1135) authorized funds to be ap-
11 propriated for Israeli cooperative missile defense
12 program codevelopment and coproduction, including
13 funds to be provided to the Government of Israel to
14 procure the David’s Sling weapon system as well as
15 the Arrow 3 Upper Tier Interceptor Program.

16 (6) On September 14, 2016, the United States
17 and Israel signed a ten-year Memorandum of Under-
18 standing reaffirming the importance of continuing
19 annual United States military assistance to Israel
20 and cooperative missile defense programs in a way
21 that enhances Israel’s security and strengthens the
22 bilateral relationship between the two countries.

23 (7) The 2016 Memorandum of Understanding
24 reflected United States support of Foreign Military
25 Financing (FMF) grant assistance to Israel over the

1 ten year period beginning in fiscal year 2019 and
2 ending in fiscal year 2028. FMMF grant assistance
3 would be at a level of \$3,300,000,000 annually, to-
4 taling \$33,000,000,000, the largest single pledge of
5 military assistance ever and a reiteration of the
6 seven-decade, unshakeable, bipartisan commitment
7 of the United States to Israel's security.

8 (8) The Memorandum of Understanding also
9 reflected United States support for funding for coop-
10 erative programs to develop, produce, and procure
11 missile, rocket, and projectile defense capabilities
12 over a ten year period beginning in fiscal year 2019
13 and ending in fiscal year 2028 at a level of
14 \$500,000,000 per year, totaling \$5,000,000,000.

15 **SEC. 102. STATEMENT OF POLICY REGARDING ISRAEL'S DE-**
16 **FENSE SYSTEMS.**

17 It shall be the policy of the United States to provide
18 assistance to the Government of Israel in order to support
19 funding for cooperative programs to develop, produce, and
20 procure missile, rocket, projectile, and other defense capa-
21 bilities to help Israel meet its security needs and to help
22 develop and enhance United States defense capabilities.

23 **SEC. 103. ASSISTANCE FOR ISRAEL.**

24 Section 513(c) of the Security Assistance Act of 2000
25 (Public Law 106-280; 114 Stat. 856) is amended—

1 (1) in paragraph (1), by striking “2002 and
2 2003” and inserting “2019, 2020, 2021, 2022,
3 2023, 2024, 2025, 2026, 2027, and 2028”; and

4 (2) in paragraph (2)—

5 (A) by striking “equal to—” and inserting
6 “not less than \$3,300,000,000.”; and

7 (B) by striking subparagraphs (A) and
8 (B).

9 **SEC. 104. EXTENSION OF WAR RESERVES STOCKPILE AU-**
10 **THORITY.**

11 Section 514(b)(2)(A) of the Foreign Assistance Act
12 of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by strik-
13 ing “2013, 2014, 2015, 2016, 2017, and 2018” and in-
14 serting “2018, 2019, 2020, 2021, 2022, and 2023.”.

15 **SEC. 105. EXTENSION OF LOAN GUARANTEES TO ISRAEL.**

16 Chapter 5 of title I of the Emergency Wartime Sup-
17 plemental Appropriations Act, 2003 (Public Law 108–11;
18 117 Stat. 576) is amended under the heading “LOAN
19 GUARANTEES TO ISRAEL”—

20 (1) in the matter preceding the first proviso, by
21 striking “September 30, 2019” and inserting “Sep-
22 tember 30, 2023”; and

23 (2) in the second proviso, by striking “Sep-
24 tember 30, 2019” and inserting “September 30,
25 2023”.

1 **SEC. 106. TRANSFER OF PRECISION GUIDED MUNITIONS TO**
2 **ISRAEL.**

3 (a) IN GENERAL.—Notwithstanding section 514 of
4 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
5 the President is authorized to transfer such quantities of
6 precision guided munitions from reserve stocks to Israel
7 as necessary for legitimate self-defense and otherwise con-
8 sistent with the purposes and conditions for such transfers
9 under the Arms Export Control Act (22 U.S.C. 2751 et
10 seq.).

11 (b) CERTIFICATIONS.—Except in case of emergency,
12 not later than 5 days before making a transfer under this
13 section, the President shall certify in an unclassified noti-
14 fication to the appropriate congressional committees that
15 the transfer of the precision guided munitions—

16 (1) does not affect the ability of the United
17 States to maintain a sufficient supply of precision
18 guided munitions;

19 (2) does not harm the combat readiness of the
20 United States or the ability of the United States to
21 meet its commitment to allies for the transfer of
22 such munitions;

23 (3) is necessary for Israel to counter the threat
24 of rockets in a timely fashion; and

25 (4) is in the national security interest of the
26 United States.

1 **SEC. 107. MODIFICATION OF RAPID ACQUISITION AND DE-**
2 **PLOYMENT PROCEDURES.**

3 (a) REQUIREMENT TO ESTABLISH PROCEDURES.—
4 Section 806(a) of the Bob Stump National Defense Au-
5 thorization Act for Fiscal Year 2003 (10 U.S.C. 2302
6 note; Public Law 107–314) is amended—

7 (1) in paragraph (1)(C), by striking “; and”;

8 (2) in paragraph (2), by striking the period at
9 the end and inserting “; or”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(3) urgently needed to support production of
13 precision guided munitions—

14 “(A) for United States counterterrorism
15 missions; or

16 “(B) to assist an ally of the United States
17 under direct missile threat from—

18 “(i) an organization the Secretary of
19 State has designated as a foreign terrorist
20 organization pursuant to section 219 of the
21 Immigration and Nationality Act (8 U.S.C.
22 1189); or

23 “(ii) a country the government of
24 which the Secretary of State has deter-
25 mined, for purposes of section 6(j) of the
26 Export Administration Act of 1979 (50

1 U.S.C. 4605(j)) (as in effect pursuant to
2 the International Emergency Economic
3 Powers Act), section 620A of the Foreign
4 Assistance Act of 1961 (22 U.S.C. 2371),
5 section 40 of the Arms Export Control Act
6 (22 U.S.C. 2780), or any other provision
7 of law, is a government that has repeatedly
8 provided support for acts of international
9 terrorism.”.

10 (b) PRESCRIPTION OF PROCEDURES.—Not later than
11 180 days after the date of the enactment of this Act, the
12 Secretary of Defense shall prescribe procedures for the
13 rapid acquisition and deployment of supplies and associ-
14 ated support services for purposes described in paragraph
15 (3) of section 806(a) of the Bob Stump National Defense
16 Authorization Act for Fiscal Year 2003, as added by sub-
17 section (a).

18 **SEC. 108. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC**
19 **TRADE AUTHORIZATION EXCEPTION TO CER-**
20 **TAIN EXPORT CONTROL LICENSING RE-**
21 **QUIREMENTS.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) Israel has adopted high standards in the
25 field of export controls.

1 (2) Israel has declared its unilateral adherence
2 to the Missile Technology Control Regime, the Aus-
3 tralia Group, and the Nuclear Suppliers Group.

4 (3) Israel is a party to—

5 (A) the Convention on Prohibitions or Re-
6 strictions on the Use of Certain Conventional
7 Weapons which may be Deemed to be Exces-
8 sively Injurious or to Have Indiscriminate Ef-
9 fects, signed at Geneva October 10, 1980;

10 (B) the Protocol for the Prohibition of the
11 Use in War of Asphyxiating, Poisonous or
12 Other Gases, and of Bacteriological Methods of
13 Warfare, signed at Geneva June 17, 1925; and

14 (C) the Convention on the Physical Protec-
15 tion of Nuclear Material, adopted at Vienna Oc-
16 tober 26, 1979.

17 (4) Section 6(b) of the United States-Israel
18 Strategic Partnership Act of 2014 (22 U.S.C. 8603
19 note) directs the President, consistent with the com-
20 mitments of the United States under international
21 agreements, to take steps so that Israel may be in-
22 cluded in the list of countries eligible for the stra-
23 tegic trade authorization exception under section
24 740.20(c)(1) of title 15, Code of Federal Regula-
25 tions, to the requirement for a license for the export,

1 reexport, or in-country transfer of an item subject to
2 controls under the Export Administration Regula-
3 tions.

4 (b) REPORT ON ELIGIBILITY FOR STRATEGIC TRADE
5 AUTHORIZATION EXCEPTION.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of this Act, the
8 President shall submit to the appropriate congres-
9 sional committees a report that describes the steps
10 taken pursuant to section 6(b) of the United States-
11 Israel Strategic Partnership Act of 2014 (22 U.S.C.
12 8603 note).

13 (2) FORM.—The report required under para-
14 graph (1) shall be provided in unclassified form, but
15 may contain a classified portion.

16 **TITLE II—ENHANCED UNITED**
17 **STATES-ISRAEL COOPERATION**

18 **SEC. 201. UNITED STATES-ISRAEL SPACE COOPERATION.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) Authorized in 1958, the National Aero-
22 nautics and Space Administration (NASA) supports
23 and coordinates United States Government research
24 in aeronautics, human exploration and operations,
25 science, and space technology.

1 (2) Established in 1983, the Israel Space Agen-
2 cy (ISA) supports the growth of Israel's space indus-
3 try by supporting academic research, technological
4 innovation, and educational activities.

5 (3) The mutual interest of the United States
6 and Israel in space exploration affords both nations
7 an opportunity to leverage their unique abilities to
8 advance scientific discovery.

9 (4) In 1996, NASA and the ISA entered into
10 an agreement outlining areas of mutual cooperation,
11 which remained in force until 2005.

12 (5) Since 1996, NASA and the ISA have suc-
13 cessfully cooperated on many space programs sup-
14 porting the Global Positioning System and research
15 related to the sun, earth science, and the environ-
16 ment.

17 (6) The bond between NASA and the ISA was
18 permanently forged on February 1, 2003, with the
19 loss of the crew of STS-107, including Israeli Astro-
20 naut Ilan Ramon.

21 (7) On October 13, 2015, the United States
22 and Israel signed the Framework Agreement be-
23 tween the National Aeronautics and Space Adminis-
24 tration of the United States of America and the
25 Israel Space Agency for Cooperation in Aeronautics

1 and the Exploration and Use of Airspace and Outer
2 Space for Peaceful Purposes.

3 (b) CONTINUING COOPERATION.—The Administrator
4 of the National Aeronautics and Space Administration
5 shall continue to work with the Israel Space Agency to
6 identify and cooperatively pursue peaceful space explo-
7 ration and science initiatives in areas of mutual interest,
8 taking all appropriate measures to protect sensitive infor-
9 mation, intellectual property, trade secrets, and economic
10 interests of the United States.

11 **SEC. 202. UNITED STATES AGENCY FOR INTERNATIONAL**
12 **DEVELOPMENT-ISRAEL ENHANCED PART-**
13 **nership for Development Cooperation**
14 **IN DEVELOPING NATIONS.**

15 (a) STATEMENT OF POLICY.—It should be the policy
16 of the United States Agency for International Develop-
17 ment (USAID) to partner with Israel in order to advance
18 common goals across a wide variety of sectors, including
19 energy, agriculture and food security, democracy, human
20 rights and governance, economic growth and trade, edu-
21 cation, environment, global health, and water and sanita-
22 tion.

23 (b) MEMORANDUM OF UNDERSTANDING.—The Ad-
24 ministrator of the United States Agency for International
25 Development is authorized to enter into memoranda of un-

1 derstanding with Israel in order to enhance coordination
2 on advancing common goals on energy, agriculture and
3 food security, democracy, human rights and governance,
4 economic growth and trade, education, environment, glob-
5 al health, and water and sanitation with a focus on
6 strengthening mutual ties and cooperation with nations
7 throughout the world.

8 **SEC. 203. AUTHORITY TO ENTER INTO A COOPERATIVE**
9 **PROJECT AGREEMENT WITH ISRAEL TO**
10 **COUNTER UNMANNED AERIAL VEHICLES**
11 **THAT THREATEN THE UNITED STATES OR**
12 **ISRAEL.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) On February 10, 2018, Iran launched from
16 Syria an unmanned aerial vehicle (commonly known
17 as a “drone”) that penetrated Israeli airspace.

18 (2) According to a press report, the unmanned
19 aerial vehicle was in Israeli airspace for a minute
20 and a half before being shot down by its air force.

21 (3) Senior Israeli officials stated that the un-
22 manned aerial vehicle was an advanced piece of tech-
23 nology.

24 (b) SENSE OF CONGRESS.—It is the sense of the
25 Congress that—

1 (1) joint research and development to counter
2 unmanned aerial vehicles will serve the national se-
3 curity interests of the United States and Israel;

4 (2) Israel faces urgent and emerging threats
5 from unmanned aerial vehicles, and other unmanned
6 vehicles, launched from Lebanon by Hezbollah, from
7 Syria by Iran's Revolutionary Guard Corps, or from
8 others seeking to attack Israel;

9 (3) efforts to counter unmanned aerial vehicles
10 should include the feasibility of utilizing directed en-
11 ergy and high powered microwave technologies,
12 which can disable vehicles without kinetic destruc-
13 tion; and

14 (4) the United States and Israel should con-
15 tinue to work together to defend against all threats
16 to the safety, security, and national interests of both
17 countries.

18 (c) **AUTHORITY TO ENTER INTO AGREEMENT.**—

19 (1) **IN GENERAL.**—The President is authorized
20 to enter into a cooperative project agreement with
21 Israel under the authority of section 27 of the Arms
22 Export Control Act (22 U.S.C. 2767), to carry out
23 research on, and development, testing, evaluation,
24 and joint production (including follow-on support)
25 of, defense articles and defense services, such as the

1 use of directed energy or high powered microwave
2 technology, to detect, track, and destroy unmanned
3 aerial vehicles that threaten the United States or
4 Israel.

5 (2) APPLICABLE REQUIREMENTS.—The cooper-
6 ative project agreement described in paragraph (1)
7 shall—

8 (A) provide that any activities carried out
9 pursuant to the agreement are subject to—

10 (i) the applicable requirements de-
11 scribed in subparagraphs (A), (B), and (C)
12 of section 27(b)(2) of the Arms Export
13 Control Act (22 U.S.C. 2767(b)(2)); and

14 (ii) any other applicable requirements
15 of the Arms Export Control Act (22
16 U.S.C. 2751 et seq.) with respect to the
17 use, transfers, and security of such defense
18 articles and defense services under that
19 Act;

20 (B) establish a framework to negotiate the
21 rights to intellectual property developed under
22 the agreement; and

23 (C) include appropriate protections for sen-
24 sitive technology.

25 (d) REPORT ON COOPERATION.—

1 (1) REPORT REQUIRED.—Not later than 90
2 days after the date of the enactment of this Act, the
3 Secretary of Defense shall submit to the congress-
4 sional defense committees (as that term is defined in
5 section 101(a) of title 10, United States Code), the
6 Committee on Foreign Relations of the Senate, and
7 the Committee on Foreign Affairs of the House of
8 Representatives a report describing the cooperation
9 of the United States with Israel with respect to
10 countering unmanned aerial systems that includes
11 each of the following:

12 (A) An identification of specific capability
13 gaps of the United States and Israel with re-
14 spect to countering unmanned aerial systems.

15 (B) An identification of cooperative
16 projects that would address those capability
17 gaps and mutually benefit and strengthen the
18 security of the United States and Israel.

19 (C) An assessment of the projected cost for
20 research and development efforts for such coop-
21 erative projects, including an identification of
22 those to be conducted in the United States, and
23 the timeline for the completion of each such
24 project.

1 (D) An assessment of the extent to which
2 the capability gaps of the United States identi-
3 fied pursuant to subparagraph (A) are not like-
4 ly to be addressed through the cooperative
5 projects identified pursuant to subparagraph
6 (B).

7 (E) An assessment of the projected costs
8 for procurement and fielding of any capabilities
9 developed jointly pursuant to an agreement de-
10 scribed in subsection (c).

11 (2) LIMITATION.—No activities may be con-
12 ducted pursuant to an agreement described in sub-
13 section (c) until the date that is 15 days after the
14 date on which the Secretary of Defense submits the
15 report required under paragraph (1).

16 **TITLE III—ENSURING ISRAEL’S** 17 **QUALITATIVE MILITARY EDGE**

18 **SEC. 301. STATEMENT OF POLICY.**

19 It is the policy of the United States to ensure that
20 Israel maintains its ability to counter and defeat any cred-
21 ible conventional military, or emerging, threat from any
22 individual state or possible coalition of states or from non-
23 state actors, while sustaining minimal damages and cas-
24 ualties, through the use of superior military means, pos-
25 sessed in sufficient quantity, including weapons, com-

1 mand, control, communication, intelligence, surveillance,
2 and reconnaissance capabilities that in their technical
3 characteristics are superior in capability to those of such
4 other individual or possible coalition states or non-state
5 actors.