

Calendar No. 437112TH CONGRESS
2D SESSION**S. 2165****[Report No. 112-179]**

To enhance strategic cooperation between the United States and Israel, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2012

Mrs. BOXER (for herself, Mr. ISAKSON, Ms. COLLINS, Mrs. FEINSTEIN, Mr. BLUNT, Mr. COBURN, Mr. CHAMBLISS, Mr. HELLER, Mrs. MCCASKILL, Mr. RUBIO, Mr. HOEVEN, Mr. MORAN, Mr. PRYOR, Mr. NELSON of Florida, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. WYDEN, Mr. BOOZMAN, Mrs. SHAHEEN, Mr. BURR, Mr. BROWN of Ohio, Mr. CASEY, Ms. KLOBUCHAR, Mr. PORTMAN, Mr. ROBERTS, Mr. LIEBERMAN, Mr. VITTER, Mr. COONS, Mr. LEE, Mr. BEGICH, Mrs. GILLIBRAND, Mrs. HAGAN, Ms. AYOTTE, Mr. SCHUMER, Mr. CRAPO, Mr. WHITEHOUSE, Mr. KIRK, Ms. MURKOWSKI, Mr. JOHANNES, Mr. INOUE, Mr. WICKER, Mr. AKAKA, Mr. INHOFE, Mr. CARPER, Mr. CARDIN, Mr. HATCH, Mr. CORNYN, Mr. WARNER, Mr. BAUCUS, Mrs. HUTCHISON, Mr. COCHRAN, Mr. TOOMEY, Mr. MERKLEY, Mr. KOHL, Mr. COATS, Mr. BROWN of Massachusetts, Mr. LAUTENBERG, Mr. BARRASSO, Mr. JOHNSON of South Dakota, Mr. SESSIONS, Ms. CANTWELL, Mr. GRASSLEY, Mr. RISCH, Mr. UDALL of Colorado, Mr. MENENDEZ, Mr. REED, Mr. FRANKEN, Ms. LANDRIEU, and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 27, 2012

Reported by Mr. KERRY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To enhance strategic cooperation between the United States and 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.**

4 This Act may be cited as the “United States-Israel
5 Enhanced Security Cooperation Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since the State of Israel was established in
9 1948, Presidents of both parties and both Houses of
10 Congress, supported by the American people, have
11 recognized the special bond between the United
12 States and Israel, based on shared values and
13 shared interests.

14 (2) The Middle East is undergoing rapid
15 change, bringing with it hope for an expansion of de-
16 mocracy but also profound challenges to regional se-
17 curity—particularly to our most important ally,

1 Israel—and to the national security of the United
2 States.

3 (3) The past year has witnessed the fall of old
4 regimes and the rise of political parties in the Mid-
5 dle East who must now choose between a course of
6 moderation and inclusion in the international com-
7 munity or a course of extremism and isolation.

8 (4) The Government of the Islamic Republic of
9 Iran is continuing its decades-long pattern of seek-
10 ing to foment instability in the Middle East, particu-
11 larly in this time of dramatic political transition.

12 (5) At the same time, the Government of the
13 Islamic Republic of Iran continues to enrich ura-
14 nium in defiance of international law.

15 (6) A nuclear-weapons capable Iran would fun-
16 damentally threaten vital United States interests,
17 encourage regional nuclear proliferation, further em-
18 power Iran, the world's leading state sponsor of ter-
19 ror, and pose a serious and destabilizing threat to
20 Israel and the region.

21 (7) Over the past several years, with the assist-
22 ance of the Governments of the Islamic Republic of
23 Iran and Syria, Hezbollah and Hamas have in-
24 creased their stockpile of rockets, with more than
25 60,000 now ready to be fired at Israel. The Govern-

1 ment of the Islamic Republic of Iran continues to
2 develop its missile technology as well, including
3 cruise missiles.

4 (8) As a result, the Government and people of
5 Israel are facing a fundamentally altered strategic
6 environment fraught with new and profound chal-
7 lenges.

8 **SEC. 3. STATEMENT OF UNITED STATES POLICY.**

9 It is the policy of the United States:

10 (1) To reaffirm our unwavering commitment to
11 the security of the State of Israel as a Jewish state,
12 as President Barack Obama stated on December 16,
13 2011, “America’s commitment and my commitment
14 to Israel and Israel’s security is unshakeable,” and
15 as President George W. Bush stated before the
16 Israeli Knesset on May 15, 2008, on the 60th anni-
17 versary of the founding of the State of Israel, “The
18 alliance between our governments is unbreakable, yet
19 the source of our friendship runs deeper than any
20 treaty.”.

21 (2) To provide the Government of Israel the
22 military capabilities necessary to deter and defend
23 itself against any threat or possible combination of
24 threats.

1 (3) To assist the Government of Israel with its
2 ongoing efforts to forge a peaceful, negotiated settle-
3 ment of the Israeli-Palestinian conflict that results
4 in two states living side-by-side in peace and secu-
5 rity, and to encourage Israel's neighbors to recognize
6 Israel's right to exist as a Jewish state.

7 (4) To veto any one-sided anti-Israel resolutions
8 at the United Nations Security Council.

9 (5) To support Israel's inherent right to self-de-
10 fense.

11 (6) To pursue every opportunity to expand co-
12 operation with the Government of Israel on defense
13 and national security matters and across the spec-
14 trum of civilian sectors, including advanced tech-
15 nology, agriculture, medicine, health, pharma-
16 ceuticals, and energy.

17 **SEC. 4. SENSE OF CONGRESS.**

18 It is the sense of Congress that the United States
19 Government should take the following actions to assist in
20 the defense of Israel:

21 (1) Seek to enhance the capabilities of the Gov-
22 ernments of the United States and Israel to address
23 emerging common threats, increase security coopera-
24 tion, and expand joint military exercises.

1 (2) Work to encourage an expanded role for
2 Israel within the North Atlantic Treaty Organization
3 (NATO), including an enhanced presence at NATO
4 headquarters and exercises.

5 (3) Expand already-close intelligence coopera-
6 tion, including satellite intelligence, with the Govern-
7 ment of Israel.

8 (4) Examine ways to strengthen existing and
9 ongoing efforts, including the Gaza Counter Arms
10 Smuggling Initiative, aimed at preventing weapons
11 smuggling into Gaza pursuant to the 2009 agree-
12 ment following the Israeli withdrawal from Gaza, as
13 well as measures to protect against weapons smug-
14 gling and terrorist threats from the Sinai Peninsula.

15 (5) Provide the Government of Israel with nec-
16 essary support to increase development and produc-
17 tion of joint missile defense systems, particularly
18 such systems that defend the urgent threat posed to
19 Israel and United States forces in the region.

20 (6) Make every effort to assure the provision to
21 the Government of Israel of defensive equipment
22 through such mechanisms as lend-lease, to include
23 air refueling tankers, missile defense capabilities,
24 and specialized munitions.

1 (7) Undertake efforts to make available for pur-
 2 chase by the Government of Israel surplus defense
 3 items, particularly those resulting from the end of
 4 United States combat operations in Iraq.

5 (8) Offer the Air Force of Israel additional
 6 training and exercise opportunities in the United
 7 States to compensate for Israel's limited air space.

8 **SEC. 5. ADDITIONAL STEPS TO DEFEND ISRAEL AND PRO-**
 9 **TECT AMERICAN INTERESTS.**

10 (a) **EXTENSION OF WAR RESERVES STOCKPILE AU-**
 11 **THORITY.—**

12 (1) **DEPARTMENT OF DEFENSE APPROPRIA-**
 13 **TIONS ACT, 2005.—**Section 12001(d) of the Depart-
 14 ment of Defense Appropriations Act, 2005 (Public
 15 Law 108–287; 118 Stat. 1011) is amended by strik-
 16 ing “more than 8 years after” and inserting “more
 17 than 10 years after”.

18 (2) **FOREIGN ASSISTANCE ACT OF 1961.—**Sec-
 19 tion 514(b)(2)(A) of the Foreign Assistance Act of
 20 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by
 21 striking “fiscal years 2011 and 2012” and inserting
 22 “fiscal years 2013 and 2014”.

23 (b) **EXTENSION OF LOAN GUARANTEES TO**
 24 **ISRAEL.—**Chapter 5 of title I of the Emergency Wartime
 25 Supplemental Appropriations Act, 2003 (Public Law 108–

1 11; 117 Stat. 576) is amended under the heading “LOAN
2 GUARANTEES TO ISRAEL”—

3 (1) in the matter preceding the first proviso, by
4 striking “September 30, 2011” and inserting “Sep-
5 tember 30, 2015”; and

6 (2) in the second proviso, by striking “Sep-
7 tember 30, 2011” and inserting “September 30,
8 2015”.

9 **SEC. 6. REPORTS REQUIRED.**

10 (a) **REPORT ON ISRAEL’S QUALITATIVE MILITARY**
11 **EDGE (QME).**—Not later than 180 days after the date
12 of the enactment of this Act, the President shall submit
13 to the appropriate congressional committees a report on
14 the status of Israel’s qualitative military edge in light of
15 current trends and instability in the Middle East region,
16 including what, if any, mitigating technologies could be
17 provided to the Government of Israel to counter increasing
18 threats in the region.

19 (b) **REPORTS ON OTHER MATTERS.**—Not later than
20 180 days after the date of the enactment of this Act, the
21 President shall submit to the appropriate congressional
22 committees a report on the following matters:

23 (1) Actions to improve the acquisition process
24 for the purchase of F-35 aircraft by Israel, particu-
25 larly with respect to cost efficiency and on-time de-

1 livery, taking into account the urgent need of the
2 Government of Israel for such aircraft.

3 ~~(2) Efforts to expand cooperation between the~~
4 ~~United States Government and the Government of~~
5 ~~Israel in homeland security, counter-terrorism, mari-~~
6 ~~time security, energy, cyber-security, and other re-~~
7 ~~lated areas.~~

8 ~~(3) Actions to integrate Israel into the defense~~
9 ~~of the Eastern Mediterranean.~~

10 **SEC. 7. DEFINITIONS.**

11 In this Act:

12 ~~(1) APPROPRIATE CONGRESSIONAL COMMIT-~~
13 ~~TEES.—The term “appropriate congressional com-~~
14 ~~mittees” means—~~

15 ~~(A) the Committee on Appropriations, the~~
16 ~~Committee on Armed Services, the Committee~~
17 ~~on Foreign Relations, and the Select Committee~~
18 ~~on Intelligence of the Senate; and~~

19 ~~(B) the Committee on Appropriations, the~~
20 ~~Committee on Armed Services, the Committee~~
21 ~~on Foreign Affairs, and the Permanent Select~~
22 ~~Committee on Intelligence of the House of Rep-~~
23 ~~resentatives.~~

24 ~~(2) QUALITATIVE MILITARY EDGE.—The term~~
25 ~~“qualitative military edge” has the meaning given~~

1 the term in section ~~36(h)(2)~~ of the Arms Export
2 Control Act (~~22 U.S.C. 2776(h)(2)~~).

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “United States-Israel En-*
5 *hanced Security Cooperation Act of 2012”.*

6 **SEC. 2. FINDINGS.**

7 *Congress makes the following findings:*

8 *(1) Since 1948, United States Presidents and*
9 *both houses of Congress, on a bipartisan basis and*
10 *supported by the American people, have repeatedly re-*
11 *affirmed the special bond between the United States*
12 *and Israel, based on shared values and shared inter-*
13 *ests.*

14 *(2) The Middle East is undergoing rapid change,*
15 *bringing with it hope for an expansion of democracy*
16 *but also great challenges to the national security of*
17 *the United States and our allies in the region, par-*
18 *ticularly to our most important ally in the region,*
19 *Israel.*

20 *(3) The Government of the Islamic Republic of*
21 *Iran is continuing its decades-long pattern of seeking*
22 *to foment instability and promote extremism in the*
23 *Middle East, particularly in this time of dramatic*
24 *political transition.*

1 (4) *At the same time, the Government of the Is-*
2 *lamic Republic of Iran continues to enrich uranium*
3 *in defiance of multiple United Nations Security*
4 *Council resolutions.*

5 (5) *A nuclear-weapons capable Iran would fun-*
6 *damentally threaten vital United States interests, en-*
7 *courage regional nuclear proliferation, further em-*
8 *power Iran, the world's leading state sponsor of ter-*
9 *ror, and pose a serious and destabilizing threat to*
10 *Israel and the region.*

11 (6) *Over the past several years, with the assist-*
12 *ance of the Governments of the Islamic Republic of*
13 *Iran and Syria, Hizbollah and Hamas have in-*
14 *creased their stockpile of rockets, with more than*
15 *60,000 now ready to be fired at Israel. The Govern-*
16 *ment of the Islamic Republic of Iran continues to add*
17 *to its arsenal of ballistic missiles and cruise missiles,*
18 *which threaten Iran's neighbors, Israel, and United*
19 *States Armed Forces in the region.*

20 (7) *As a result, Israel is facing a fundamentally*
21 *altered strategic environment.*

22 (8) *Pursuant to chapter 5 of title 1 of the Emer-*
23 *gency Wartime Supplemental Appropriations Act,*
24 *2003 (Public Law 108–11; 117 Stat. 576), the author-*

1 *ity to make available loan guarantees to Israel is cur-*
2 *rently set to expire on September 30, 2012.*

3 **SEC. 3. STATEMENT OF POLICY.**

4 *It is the policy of the United States:*

5 (1) *To reaffirm our unwavering commitment to*
6 *the security of the State of Israel as a Jewish state.*
7 *As President Barack Obama stated on December 16,*
8 *2011, “America’s commitment and my commitment*
9 *to Israel and Israel’s security is unshakeable.” And as*
10 *President George W. Bush stated before the Israeli*
11 *Knesset on May 15, 2008, on the 60th anniversary of*
12 *the founding of the State of Israel, “The alliance be-*
13 *tween our governments is unbreakable, yet the source*
14 *of our friendship runs deeper than any treaty.”*

15 (2) *To help the Government of Israel preserve its*
16 *qualitative military edge amid rapid and uncertain*
17 *regional political transformation.*

18 (3) *To veto any one-sided anti-Israel resolutions*
19 *at the United Nations Security Council.*

20 (4) *To support Israel’s inherent right to self-de-*
21 *fense.*

22 (5) *To pursue avenues to expand cooperation*
23 *with the Government of Israel both in defense and*
24 *across the spectrum of civilian sectors, including high*

1 *technology, agriculture, medicine, health, pharma-*
2 *ceuticals, and energy.*

3 *(6) To assist the Government of Israel with its*
4 *ongoing efforts to forge a peaceful, negotiated settle-*
5 *ment of the Israeli-Palestinian conflict that results in*
6 *two states living side-by-side in peace and security,*
7 *and to encourage Israel's neighbors to recognize*
8 *Israel's right to exist as a Jewish state.*

9 *(7) To encourage further development of ad-*
10 *vanced technology programs between the United*
11 *States and Israel given current trends and instability*
12 *in the region.*

13 **SEC. 4. UNITED STATES ACTIONS TO ASSIST IN THE DE-**
14 **FENSE OF ISRAEL AND PROTECT UNITED**
15 **STATES INTERESTS.**

16 *It is the sense of Congress that the United States Gov-*
17 *ernment should take the following actions to assist in the*
18 *defense of Israel:*

19 *(1) Seek to enhance the capabilities of the Gov-*
20 *ernments of the United States and Israel to address*
21 *emerging common threats, increase security coopera-*
22 *tion, and expand joint military exercises.*

23 *(2) Provide the Government of Israel such sup-*
24 *port as may be necessary to increase development and*
25 *production of joint missile defense systems, particu-*

1 *larly such systems that defend against the urgent*
2 *threat posed to Israel and United States forces in the*
3 *region.*

4 *(3) Provide the Government of Israel assistance*
5 *specifically for the production and procurement of the*
6 *Iron Dome defense system for purposes of intercepting*
7 *short-range missiles, rockets, and projectiles launched*
8 *against Israel.*

9 *(4) Provide the Government of Israel defense ar-*
10 *ticles and defense services through such mechanisms*
11 *as appropriate, to include air refueling tankers, mis-*
12 *sile defense capabilities, and specialized munitions.*

13 *(5) Provide the Government of Israel additional*
14 *excess defense articles, as appropriate, in the wake of*
15 *the withdrawal of United States forces from Iraq.*

16 *(6) Examine ways to strengthen existing and on-*
17 *going efforts, including the Gaza Counter Arms*
18 *Smuggling Initiative, aimed at preventing weapons*
19 *smuggling into Gaza pursuant to the 2009 agreement*
20 *following the Israeli withdrawal from Gaza, as well*
21 *as measures to protect against weapons smuggling*
22 *and terrorist threats from the Sinai Peninsula.*

23 *(7) Offer the Air Force of Israel additional*
24 *training and exercise opportunities in the United*
25 *States to compensate for Israel's limited air space.*

1 (8) *Work to encourage an expanded role for*
 2 *Israel with the North Atlantic Treaty Organization*
 3 *(NATO), including an enhanced presence at NATO*
 4 *headquarters and exercises.*

5 (9) *Expand already-close intelligence coopera-*
 6 *tion, including satellite intelligence, with Israel.*

7 **SEC. 5. ADDITIONAL STEPS TO DEFEND ISRAEL AND PRO-**
 8 **TECT AMERICAN INTERESTS.**

9 (a) *EXTENSION OF WAR RESERVES STOCKPILE AU-*
 10 *THORITY.—*

11 (1) *DEPARTMENT OF DEFENSE APPROPRIATIONS*
 12 *ACT, 2005.—Section 12001(d) of the Department of*
 13 *Defense Appropriations Act, 2005 (Public Law 108–*
 14 *287; 118 Stat. 1011) is amended by striking “more*
 15 *than 8 years after” and inserting “more than 10*
 16 *years after”.*

17 (2) *FOREIGN ASSISTANCE ACT OF 1961.—Section*
 18 *514(b)(2)(A) of the Foreign Assistance Act of 1961*
 19 *(22 U.S.C. 2321h(b)(2)(A)) is amended by striking*
 20 *“fiscal years 2011 and 2012” and inserting “fiscal*
 21 *years 2013 and 2014”.*

22 (b) *EXTENSION OF LOAN GUARANTEES TO ISRAEL.—*
 23 *Chapter 5 of title I of the Emergency Wartime Supple-*
 24 *mental Appropriations Act, 2003 (Public Law 108–11; 117*

1 *Stat. 576) is amended under the heading “LOAN GUARAN-*
2 *TEES TO ISRAEL”—*

3 *(1) in the matter preceding the first proviso, by*
4 *striking “September 30, 2011” and inserting “Sep-*
5 *tember 30, 2015”; and*

6 *(2) in the second proviso, by striking “September*
7 *30, 2011” and inserting “September 30, 2015”.*

8 **SEC. 6. REPORTS REQUIRED.**

9 *(a) REPORT ON ISRAEL’S QUALITATIVE MILITARY*
10 *EDGE (QME).—*

11 *(1) IN GENERAL.—Not later than 180 days after*
12 *the date of the enactment of this Act, the President*
13 *shall submit to the Committee on Foreign Relations*
14 *of the Senate and the Committee on Foreign Affairs*
15 *of the House of Representatives a report on the status*
16 *of Israel’s qualitative military edge in light of current*
17 *trends and instability in the region.*

18 *(2) SUBSTITUTION FOR QUADRENNIAL RE-*
19 *PORT.—If submitted within one year of the date that*
20 *the first quadrennial report required by section*
21 *201(c)(2) of the Naval Vessel Transfer Act of 2008*
22 *(Public Law 110–429; 22 U.S.C. 2776 note) is due to*
23 *be submitted, the report required by paragraph (1)*
24 *may substitute for such quadrennial report.*

1 (b) *REPORTS ON OTHER MATTERS.*—Not later than
2 180 days after the date of the enactment of this Act, the
3 President shall submit to the appropriate congressional
4 committees a report on each of the following matters:

5 (1) *Taking into account the Government of*
6 *Israel’s urgent requirement for F-35 aircraft, actions*
7 *to improve the process relating to its purchase of F-*
8 *35 aircraft, particularly with respect to cost efficiency*
9 *and timely delivery.*

10 (2) *Efforts to expand cooperation between the*
11 *United States and Israel in homeland security,*
12 *counter-terrorism, maritime security, energy, cyber-*
13 *security, and other related areas.*

14 (3) *Actions to integrate Israel into the defense of*
15 *the Eastern Mediterranean.*

16 **SEC. 7. DEFINITIONS.**

17 *In this Act:*

18 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES.*—The term “appropriate congressional commit-
20 *tees” means—*

21 (A) *the Committee on Appropriations, the*
22 *Committee on Armed Services, the Committee on*
23 *Foreign Relations, and the Select Committee on*
24 *Intelligence of the Senate; and*

1 (B) *the Committee on Appropriations, the*
2 *Committee on Armed Services, the Committee on*
3 *Foreign Affairs, and the Permanent Select Com-*
4 *mittee on Intelligence of the House of Represent-*
5 *atives.*

6 (2) *QUALITATIVE MILITARY EDGE.—The term*
7 *“qualitative military edge” has the meaning given the*
8 *term in section 36(h)(2) of the Arms Export Control*
9 *Act (22 U.S.C. 2776(h)(2)).*

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