

116TH CONGRESS
2D SESSION

S. 3176

To amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2020

Mr. RUBIO (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 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 “United States-Israel Security Assistance Authorization
6 Act of 2020”.

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. Definition.

TITLE I—SECURITY ASSISTANCE FOR ISRAEL

Sec. 101. Findings.
 Sec. 102. Statement of policy.
 Sec. 103. Security 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. Sense of Congress on 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 Agency for International Development memoranda of
 understanding to enhance cooperation with Israel.
 Sec. 202. Cooperative projects among the United States, Israel, and developing
 countries.
 Sec. 203. Joint cooperative program related to innovation and high-tech for the
 Middle East region.
 Sec. 204. Sense of Congress on United States-Israel economic cooperation.
 Sec. 205. Cooperation on directed energy capabilities.
 Sec. 206. Contingency plans to provide Israel with necessary defense articles
 and services.

3 **SEC. 2. DEFINITION.**

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

6 (1) the Committee on Foreign Relations of the
 7 Senate;

8 (2) the Committee on Armed Services of the
 9 Senate;

10 (3) the Committee on Foreign Affairs of the
 11 House of Representatives; and

12 (4) the Committee on Armed Services of the
 13 House of Representatives.

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

3 **SEC. 101. FINDINGS.**

4 Congress makes the following findings:

5 (1) On September 14, 2016, the United States
6 and Israel signed a 10-year Memorandum of Under-
7 standing to reaffirm the importance of continuing
8 annual United States military assistance to Israel
9 and cooperative missile defense programs in a way
10 that enhances Israel’s security and strengthens the
11 bilateral relationship between the 2 countries.

12 (2) The 2016 Memorandum of Understanding
13 reflects United States support of Foreign Military
14 Financing grant assistance to Israel over a 10-year
15 period beginning in fiscal year 2019 and ending in
16 fiscal year 2028.

17 (3) The 2016 Memorandum of Understanding
18 also reflects United States support for funding for
19 cooperative programs to develop, produce, and pro-
20 cure missile, rocket, and projectile defense capabili-
21 ties during such 10-year period at an average fund-
22 ing level of \$500,000,000 per year, totaling
23 \$5,000,000,000 for such period.

1 **SEC. 102. STATEMENT OF POLICY.**

2 It is the policy of the United States to provide assist-
3 ance to the Government of Israel to help Israel to defend
4 itself by developing long-term capacity, primarily through
5 the acquisition of advanced capabilities from the United
6 States.

7 **SEC. 103. SECURITY ASSISTANCE FOR ISRAEL.**

8 Section 513(c) of the Security Assistance Act of 2000
9 (Public Law 106–280; 114 Stat. 856) is amended—

10 (1) in paragraph (1), by striking “2002 and
11 2003” and inserting “2020, 2021, 2022, 2023,
12 2024, 2025, 2026, 2027, and 2028”;

13 (2) in paragraph (2), by striking “equal to—”
14 and all that follows and inserting “not less than
15 \$3,300,000,000.”; and

16 (3) by amending paragraph (3) to read as fol-
17 lows:

18 “(3) DISBURSEMENT OF FUNDS.—Amounts au-
19 thorized to be available for Israel under paragraph
20 (1) and subsection (b)(1) for fiscal years 2020,
21 2021, 2022, 2023, 2024, 2025, 2026, 2027, and
22 2028 shall be disbursed not later than 30 days after
23 the date of the enactment of an Act making appro-
24 priations for the Department of State, foreign oper-
25 ations, and related programs for the respective fiscal

1 year, or October 31 of the respective fiscal year,
2 whichever is later.”.

3 **SEC. 104. EXTENSION OF WAR RESERVES STOCKPILE AU-**
4 **THORITY.**

5 (a) DEPARTMENT OF DEFENSE APPROPRIATIONS
6 ACT, 2005.—Section 12001(d) of the Department of De-
7 fense Appropriations Act, 2005 (Public Law 108–287;
8 118 Stat. 1011) is amended by striking “more than 11
9 years after the date of the enactment of this Act” and
10 inserting “after September 30, 2025”.

11 (b) FOREIGN ASSISTANCE ACT OF 1961.—Section
12 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2321h(b)(2)(A)) is amended by striking “2013,
14 2014, 2015, 2016, 2017, 2018, 2019, and 2020” and in-
15 serting “2020, 2021, 2022, 2023, 2024, and 2025”.

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

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

21 (1) in the matter preceding the first proviso, by
22 striking “September 30, 2019” and inserting “Sep-
23 tember 30, 2025”; and

1 (2) in the second proviso, by striking “Sep-
2 tember 30, 2019” and inserting “September 30,
3 2025”.

4 **SEC. 106. TRANSFER OF PRECISION GUIDED MUNITIONS TO**
5 **ISRAEL.**

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

14 (b) CERTIFICATIONS.—Except in case of emergency,
15 as determined by the President, not later than 5 days be-
16 fore making a transfer under subsection (a), the President
17 shall certify to the appropriate congressional committees
18 that the transfer of the precision guided munitions—

19 (1) does not affect the ability of the United
20 States to maintain a sufficient supply of precision
21 guided munitions;

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

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

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

5 **SEC. 107. SENSE OF CONGRESS ON RAPID ACQUISITION**
6 **AND DEPLOYMENT PROCEDURES.**

7 It is the sense of Congress that the President
8 should—

9 (1) prescribe procedures for the rapid acqui-
10 sition and deployment of precision guided munitions
11 for United States counterterrorism missions; or

12 (2) assist Israel, which is an ally of the United
13 States, to protect itself against direct missile
14 threats.

15 **SEC. 108. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC**
16 **TRADE AUTHORIZATION EXCEPTION TO CER-**
17 **TAIN EXPORT CONTROL LICENSING RE-**
18 **QUIREMENTS.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) Israel has adopted high standards in the
21 field of weapons export controls.

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

25 (3) Israel is a party to—

1 (A) the Protocol for the Prohibition of the
2 Use in War of Asphyxiating, Poisonous or
3 Other Gases, and of Bacteriological Methods of
4 Warfare, signed at Geneva June 17, 1925
5 (commonly known as the “Geneva Protocol”);
6 and

7 (B) the Convention on the Physical Protec-
8 tion of Nuclear Material, signed at Vienna and
9 New York March 3, 1980.

10 (4) Section 6(b) of the United States-Israel
11 Strategic Partnership Act of 2014 (22 U.S.C. 8603
12 note) directs the President, consistent with the com-
13 mitments of the United States under international
14 agreements, to take steps so that Israel may be in-
15 cluded in the list of countries eligible for the stra-
16 tegic trade authorization exception under section
17 740.20(c)(1) of title 15, Code of Federal Regula-
18 tions, to the requirement for a license for the export,
19 re-export, or in-country transfer of an item subject
20 to controls under the Export Administration Regula-
21 tions.

22 (b) REPORT ON ELIGIBILITY FOR STRATEGIC TRADE
23 AUTHORIZATION EXCEPTION.—

24 (1) IN GENERAL.—Not later than 120 days
25 after the date of the enactment of this Act, the

1 President shall submit a report to the appropriate
2 congressional committees that describes the steps
3 taken to include Israel in the list of countries eligible
4 for the strategic trade authorization exception under
5 section 740.20(c)(1) of title 15, Code of Federal
6 Regulations, as required under section 6(b) of the
7 United States-Israel Strategic Partnership Act of
8 2014 (Public Law 113–296).

9 (2) FORM.—The report required under para-
10 graph (1) shall be submitted in unclassified form,
11 but may contain a classified annex.

12 **TITLE II—ENHANCED UNITED** 13 **STATES-ISRAEL COOPERATION**

14 **SEC. 201. UNITED STATES AGENCY FOR INTERNATIONAL** 15 **DEVELOPMENT MEMORANDA OF UNDER-** 16 **STANDING TO ENHANCE COOPERATION WITH** 17 **ISRAEL.**

18 (a) SENSE OF CONGRESS REGARDING USAID POL-
19 ICY.—It is the sense of Congress that the United States
20 Agency for International Development should cooperate
21 with Israel to advance common goals across a wide variety
22 of sectors, including energy, agriculture, food security, de-
23 mocracy, human rights, governance, economic growth,
24 trade, education, environment, global health, water, and
25 sanitation.

1 (b) MEMORANDA OF UNDERSTANDING.—The Sec-
2 retary of State, acting through the Administrator of the
3 United States Agency for International Development, may
4 enter into memoranda of understanding with Israel to ad-
5 vance common goals on energy, agriculture, food security,
6 democracy, human rights, governance, economic growth,
7 trade, education, environment, global health, water, and
8 sanitation, with a focus on strengthening mutual ties and
9 cooperation with nations throughout the world.

10 **SEC. 202. COOPERATIVE PROJECTS AMONG THE UNITED**
11 **STATES, ISRAEL, AND DEVELOPING COUN-**
12 **TRIES.**

13 Section 106 of the Foreign Assistance Act of 1961
14 (22 U.S.C. 2151d) is amended by striking subsection (e)
15 and (f) and inserting the following:

16 “(e) There are authorized to be appropriated
17 \$2,000,000 for each of the fiscal years 2020 through 2024
18 to finance cooperative projects among the United States,
19 Israel, and developing countries that identify and support
20 local solutions to address sustainability challenges relating
21 to water resources, agriculture, and energy storage, in-
22 cluding—

23 “(1) establishing public-private partnerships;

24 “(2) supporting the identification, research, de-
25 velopment testing, and scaling of innovations that

1 focus on populations that are vulnerable to environ-
2 mental and resource-scarcity crises, such as subsist-
3 ence farming communities;

4 “(3) seed or transition-to-scale funding, pub-
5 licity and marketing promotional support, or
6 mentorship and partnership brokering support; and

7 “(4) accelerating demonstrations or applications
8 of local solutions to sustainability challenges, or the
9 further refinement, testing, or implementation of in-
10 novations that have previously effectively addressed
11 sustainability challenges.”.

12 **SEC. 203. JOINT COOPERATIVE PROGRAM RELATED TO IN-**
13 **NOVATION AND HIGH-TECH FOR THE MIDDLE**
14 **EAST REGION.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the United States should help foster co-
18 operation in the Middle East region by financing
19 and, as appropriate, cooperating in projects related
20 to innovation and advanced technologies; and

21 (2) projects referred to in paragraph (1)
22 should—

23 (A) contribute to development and the
24 quality of life in the Middle East region

1 through the application of research and ad-
2 vanced technology; and

3 (B) contribute to Arab-Israeli cooperation
4 by establishing strong working relationships
5 that last beyond the life of such projects.

6 (b) ESTABLISHMENT.—The Secretary of State, act-
7 ing through the Administrator of the United States Agen-
8 cy for International Development, is authorized to seek to
9 establish a program between the United States, Israel,
10 Egypt, Jordan, Morocco, Tunisia, Lebanon, and the West
11 Bank and Gaza Strip to provide for cooperation in the
12 Middle East region by financing and, as appropriate, co-
13 operating in projects related to innovation and advanced
14 technologies.

15 (c) PROJECT REQUIREMENTS.—Each project carried
16 out under the program established pursuant to subsection
17 (b)—

18 (1) shall include the participation of at least 1
19 entity from Israel and 1 entity of Egypt, Jordan,
20 Morocco, Tunisia, Lebanon, and the West Bank and
21 Gaza Strip; and

22 (2) should include participation from not fewer
23 than 3 or more such entities to the maximum extent
24 practicable.

1 **SEC. 204. SENSE OF CONGRESS ON UNITED STATES-ISRAEL**
2 **ECONOMIC COOPERATION.**

3 It is the sense of Congress that—

4 (1) the United States-Israel economic partner-
5 ship—

6 (A) has achieved great tangible and intan-
7 gible benefits to both countries; and

8 (B) is a foundational component of the
9 strong alliance;

10 (2) science and technology innovations present
11 promising new frontiers for United States-Israel eco-
12 nomic cooperation, particularly in light of wide-
13 spread drought, cybersecurity attacks, and other
14 major challenges impacting the United States; and

15 (3) the President should regularize and expand
16 existing forums of economic dialogue with Israel and
17 foster both public and private sector participation.

18 **SEC. 205. COOPERATION ON DIRECTED ENERGY CAPABILI-**
19 **TIES.**

20 (a) **AUTHORITY.**—

21 (1) **IN GENERAL.**—The Secretary of Defense,
22 upon a request from the Ministry of Defense of
23 Israel, and with the concurrence of the Secretary of
24 State, is authorized to carry out research, develop-
25 ment, test, and evaluation activities, on a joint basis
26 with Israel, to establish directed energy capabilities

1 that address threats to the United States, deployed
2 forces of the United States, or Israel. Any activities
3 carried out under this paragraph shall be conducted
4 in a manner that appropriately protects sensitive in-
5 formation, the national security interests of the
6 United States, and the national security interests of
7 Israel.

8 (2) REPORT.—The activities described in para-
9 graph (1) may be carried out after the Secretary of
10 Defense submits a report to the appropriate congress-
11 sional committees that includes—

12 (A) a memorandum of agreement between
13 the United States and Israel regarding sharing
14 of research and development costs for the capa-
15 bilities described in paragraph (1), and any
16 supporting documents; and

17 (B) a certification that the memorandum
18 of agreement referred to in subparagraph (A)—

19 (i) requires sharing of costs of
20 projects, including in-kind support, be-
21 tween the United States and Israel;

22 (ii) establishes a framework to nego-
23 tiate the rights to any intellectual property
24 developed under the memorandum of
25 agreement; and

1 (iii) requires the United States Gov-
2 ernment to receive semiannual reports on
3 expenditure of funds, if any, by the Gov-
4 ernment of Israel, including—

5 (I) a description of what the
6 funds have been used for and when
7 funds were expended; and

8 (II) the identification of entities
9 that expended such funds.

10 (b) SUPPORT IN CONNECTION WITH ACTIVITIES.—

11 (1) IN GENERAL.—The Secretary of Defense is
12 authorized to provide maintenance and sustainment
13 support to Israel for the directed energy capabilities
14 research, development, test, and evaluation activities
15 authorized under subsection (a)(1), including the in-
16 stallation of equipment that is necessary to carry out
17 such research, development, test, and evaluation.

18 (2) REPORT.—The support described in para-
19 graph (1) may not be provided until 15 days after
20 the Secretary of Defense submits a report to the ap-
21 propriate congressional committees that describes in
22 detail the support to be provided.

23 (3) MATCHING CONTRIBUTION.—The support
24 described in paragraph (1) may not be provided un-
25 less the Secretary of Defense certifies to the appro-

1 appropriate congressional committees that the Govern-
2 ment of Israel will contribute to such support—

3 (A) an amount equal to not less than the
4 amount of support to be so provided; or

5 (B) an amount that otherwise meets the
6 best efforts of Israel, as mutually agreed to by
7 the United States and Israel.

8 (c) LEAD AGENCY.—The Secretary of Defense shall
9 designate an appropriate research and development entity
10 of a military department as the lead agency of the Depart-
11 ment of Defense in carrying out this section.

12 (d) SEMIANNUAL REPORT.—The Secretary of De-
13 fense shall submit a semiannual report to the appropriate
14 congressional committees that includes the most recent
15 semiannual report provided by the Government of Israel
16 to the Department of Defense pursuant to subsection
17 (a)(2)(B)(iii).

18 **SEC. 206. CONTINGENCY PLANS TO PROVIDE ISRAEL WITH**
19 **NECESSARY DEFENSE ARTICLES AND SERV-**
20 **ICES.**

21 (a) IN GENERAL.—The President, acting through the
22 Secretary of Defense and in consultation with the Sec-
23 retary of State, shall establish and update, as appropriate,
24 contingency plans to provide Israel with defense articles

1 and services that are determined by the Secretary of De-
2 fense to be necessary for the defense of Israel.

3 (b) CONGRESSIONAL BRIEFING.—Not later than 1
4 year after the date of the enactment of this Act, and annu-
5 ally thereafter, the Secretary of Defense, in consultation
6 with the Secretary of State, shall brief the appropriate
7 congressional committees regarding the status of the con-
8 tingency plans required under subsection (a).

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