

116TH CONGRESS
2D SESSION

S. 3775

To establish a United States-Israel Operations-Technology Working Group,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2020

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

A BILL

To establish a United States-Israel Operations-Technology
Working Group, 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 Military Capability Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The United States confronts an intense
9 military technology competition with the People’s
10 Republic of China and the Russian Federation that

1 may determine whether the United States can effec-
2 tively deter and defeat adversaries in the future.

3 (2) On July 11, 2019, Chairman of the Joint
4 Chiefs of Staff General Mark Milley said, “China is
5 improving their military very, very rapidly in space,
6 air, cyber, maritime, land domains, et cetera.”. Not-
7 ing the rapid technology development by the People’s
8 Republic of China, General Milley warned that the
9 United States must ensure “that we do not lose our
10 advantages that we have relative to other countries,
11 specifically relative to China.”.

12 (3) The People’s Republic of China and the
13 Russian Federation have already developed or field-
14 ed some capabilities in areas such as hypersonics
15 and artificial intelligence that are superior to those
16 of the United States.

17 (4) A closer and more systematic early coopera-
18 tive research and development effort with select al-
19 lies may help the United States more quickly and in-
20 expensively restore and sustain military supremacy
21 in critical military capabilities.

22 (5) The innovative and agile defense technology
23 sector of Israel and the status of Israel as one of the
24 closest and most reliable allies of the United States
25 make Israel an ideal candidate for a more systematic

1 and institutionalized partnership with the United
2 States focused on early cooperative research and de-
3 velopment.

4 (6) The defense innovation sector of Israel is a
5 global leader in many of the technologies important
6 to Department of Defense modernization efforts.

7 (7) Despite many laudable ongoing defense
8 partnership efforts between the United States and
9 Israel, dangerous United States military capability
10 gaps continue to emerge that a more systematic and
11 institutionalized United States-Israel early coopera-
12 tive research and development program could have
13 prevented.

14 (8) Such a program would allow the United
15 States to benefit from the innovation agility and
16 sense of urgency of Israel, and Israel would benefit
17 from the economy of scale of the United States.
18 Such a program could be carefully designed to re-
19 duce the time and cost associated with research and
20 development, assiduously avoiding anything that
21 would slow down or constrain the research and de-
22 velopment of either country.

23 (9) Belatedly acquiring already produced equip-
24 ment or weapons from Israel to fill a United States
25 capability gap is not a substitute for a systematic

1 program that prevents the capability gap from
2 emerging in the first place.

3 (10) On March 4, 2020, Secretary of Defense
4 Mark Esper said, “We have a very good innovative
5 base, [the Israelis] have a very good innovative base.
6 And I think the more we can cooperate together as
7 allies and partners to come up with common solu-
8 tions, the better.”. Secretary Esper continued, “so I
9 think if there are ways to improve that, we should
10 pursue it.”.

11 **SEC. 3. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the United States Government has a re-
14 sponsibility to undertake all reasonable measures to
15 ensure that members of the Armed Forces never
16 confront a more technologically advanced foe; and

17 (2) building on positive ongoing efforts, the
18 United States and Israel should further institu-
19 tionalize and strengthen their defense innovation
20 partnership by establishing a United States-Israel
21 Operations-Technology Working Group to identify
22 and expeditiously field capabilities that the military
23 forces of both countries need to deter and defeat re-
24 spective adversaries.

1 **SEC. 4. UNITED STATES-ISRAEL OPERATIONS-TECHNOLOGY**
2 **WORKING GROUP.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of De-
5 fense, with the concurrence of the Minister of Defense of
6 Israel and in consultation with the Secretary of State and
7 the Director of National Intelligence, shall establish a
8 United States-Israel Operations-Technology Working
9 Group (in this Act referred to as the “Working Group”)
10 for the following purposes:

11 (1) To provide a standing forum for the United
12 States and Israel to systematically share intel-
13 ligence-informed military capability requirements.

14 (2) To identify military capability requirements
15 common to both the Department of Defense and the
16 Ministry of Defense of Israel.

17 (3) To assist defense suppliers in the United
18 States and Israel with efforts to expeditiously gain
19 government approval to conduct joint science, tech-
20 nology, research, development, test, evaluation, and
21 production efforts.

22 (4) To develop, as feasible and advisable, com-
23 bined United States-Israel plans to research, de-
24 velop, procure, and field weapons systems and mili-
25 tary capabilities as quickly and economically as pos-
26 sible to meet common capability requirements of the

1 Department of Defense and the Ministry of Defense
2 of Israel.

3 (b) WORKING GROUP LEADERSHIP.—

4 (1) UNITED STATES LEADERSHIP.—With re-
5 spect to the United States, the Working Group shall
6 be headed by the Under Secretary of Defense for
7 Research and Engineering and the Director of the
8 Joint Staff, with the active support of the Director
9 of the Bureau of Political Military Affairs of the De-
10 partment of State and the Director of National In-
11 telligence.

12 (2) ISRAEL LEADERSHIP.—The Secretary of
13 Defense shall invite the Government of Israel to des-
14 ignate the head of the appropriate office or offices
15 to head the Working Group with respect to Israel.

16 (c) WORKING GROUP MEMBERSHIP.—

17 (1) UNITED STATES MEMBERSHIP.—The Sec-
18 retary of Defense, the Secretary of State, and the
19 Director of National Intelligence shall each des-
20 ignate one or more individuals to serve as members
21 of the Working Group.

22 (A) MANDATORY UNITED STATES MEM-
23 BERS.—The membership of the Working Group
24 shall consist of, at a minimum, representatives
25 from—

1 (i) the Office of the Secretary of De-
2 fense;

3 (ii) the Joint Staff;

4 (iii) each of the military departments
5 (including, as appropriate, subordinate en-
6 tities such as Army Futures Command and
7 research laboratories);

8 (iv) the defense agencies (including
9 the Defense Advanced Research Projects
10 Agency, the Defense Intelligence Agency,
11 and the Defense Security Cooperation
12 Agency);

13 (v) United States Central Command;

14 (vi) United States European Com-
15 mand;

16 (vii) United States Indo-Pacific Com-
17 mand;

18 (viii) the Department of State; and

19 (ix) the intelligence community.

20 (B) RULE OF CONSTRUCTION.—Nothing in
21 this paragraph shall be construed as limiting
22 the ability of the Secretary of Defense, the Sec-
23 retary of State, or the Director of National In-
24 telligence to add members to the Working
25 Group as considered appropriate.

1 (2) ISRAEL MEMBERSHIP.—The Secretary of
2 Defense, the Secretary of State, and the Director of
3 National Intelligence shall invite their counterparts
4 in the Government of Israel to designate individuals
5 from the Government of Israel to serve as members
6 of the Working Group.

7 (3) REPRESENTATION OF DEFENSE INDUS-
8 TRY.—

9 (A) IN GENERAL.—The Working Group
10 may incorporate recommendations from the de-
11 fense industries of the United States and Israel
12 with respect to combined science and technology
13 efforts and combined research, development,
14 test, and evaluation efforts.

15 (B) INCLUSION IN WORKING GROUP.—The
16 membership of the Working Group may include,
17 as appropriate, members of the defense indus-
18 tries of the United States and Israel.

19 (d) EXISTING EFFORTS.—

20 (1) IN GENERAL.—The Secretary of Defense,
21 the Secretary of State, and the Director of National
22 Intelligence shall jointly determine the most efficient
23 and effective means to integrate the Working Group
24 into existing United States science and technology

1 efforts and research, development, test, and evalua-
2 tion efforts with Israel.

3 (2) RULE OF CONSTRUCTION.—Nothing in this
4 Act shall be construed as requiring the termination
5 of any existing United States defense activity, group,
6 program, or partnership with Israel.

7 (e) MEMORANDUM OF UNDERSTANDING.—

8 (1) IN GENERAL.—The Secretary of Defense
9 shall, with the concurrence of the Minister of De-
10 fense of Israel, establish a memorandum of under-
11 standing between the United States and Israel es-
12 tablishing the United States-Israel Operations Tech-
13 nology Working Group.

14 (2) MATTERS TO BE INCLUDED.—The memo-
15 randum of understanding under paragraph (1) shall
16 set forth—

17 (A) the purposes of the Working Group,
18 consistent with subsection (a);

19 (B) the membership of the Working
20 Group, consistent with subsection (c); and

21 (C) any other matter considered appro-
22 priate.

23 (f) REPORTS.—

24 (1) INITIAL REPORT.—

1 (A) IN GENERAL.—Not later than 90 days
2 after the date of the enactment of this Act, the
3 Secretary of Defense, in coordination with the
4 Secretary of State and the Director of National
5 Intelligence, shall submit to the appropriate
6 committees of Congress an initial report on the
7 Working Group.

8 (B) ELEMENTS.—The report required by
9 subparagraph (A) shall include the following:

10 (i) The finalized memorandum of un-
11 derstanding under subsection (e).

12 (ii) The name of each individual of
13 the Government of the United States and
14 of the Government of Israel designated to
15 lead the Working Group.

16 (iii) The name of each member of the
17 Working Group designated under para-
18 graph (1) or (2) of subsection (c).

19 (iv) A description of the manner in
20 which the Working Group is anticipated to
21 complement and augment existing science
22 and technology efforts and research, devel-
23 opment, test, and evaluation efforts with
24 Israel.

1 (v) A schedule for Working Group
2 meetings.

3 (vi) A description of key metrics and
4 milestones for the Working Group.

5 (vii) A description of any authority or
6 authorization of appropriations required
7 for the Working Group to carry out the
8 purposes described in subsection (a).

9 (C) FORM.—The report required by sub-
10 paragraph (A) shall be submitted in unclassi-
11 fied form, but may include a classified annex.

12 (2) ANNUAL REPORT.—

13 (A) IN GENERAL.—Not later than March
14 15 of each year following the submittal of the
15 report required by paragraph (1), the Secretary
16 of Defense, in coordination with the Secretary
17 of State and the Director of National Intel-
18 ligence, shall submit to the appropriate commit-
19 tees of Congress a report on the activities of the
20 Working Group during the preceding calendar
21 year.

22 (B) ELEMENTS.—The report required by
23 subparagraph (A) shall include the following:

24 (i) A summary of the performance of
25 the Working Group relative to—

1 (I) with respect to the first an-
2 nual report under this paragraph, the
3 metrics and milestones described in
4 the initial report in accordance with in
5 paragraph (1)(B)(vi); or

6 (II) with respect to each subse-
7 quent annual report under this para-
8 graph, the metrics and milestones de-
9 scribed in the preceding annual report
10 under clause (viii).

11 (ii) A description of military capabili-
12 ties needed by both the United States and
13 Israel.

14 (iii) A description of any United
15 States, or any United States-Israel, science
16 and technology efforts, or research, devel-
17 opment, test, and evaluation efforts, asso-
18 ciated with the military capabilities de-
19 scribed under clause (ii) carried out during
20 the reporting period.

21 (iv) A description of any obstacle or
22 challenge associated with an effort de-
23 scribed in clause (iii) and the plan of the
24 Working Group to address such obstacle or
25 challenge.

1 (v) A description of any request to the
2 Working Group made by a United States
3 or Israel defense supplier for combined
4 science and technology efforts or combined
5 research, development, test, and evaluation
6 efforts, including—

7 (I) the date on which the request
8 was received;

9 (II) the efforts made by the
10 Working Group to expeditiously ad-
11 dress the request; and

12 (III) the status of any decision
13 associated with the request.

14 (vi) A description of the efforts of the
15 Working Group to prevent the People's Re-
16 public of China or the Russian Federation
17 from obtaining intellectual property or
18 military technology associated with com-
19 bined United States and Israel science and
20 technology efforts and research, develop-
21 ment, test, and evaluation efforts.

22 (vii) A description of any science and
23 technology effort, or research, develop-
24 ment, test, or evaluation effort, facilitated
25 by the Working Group, including efforts

1 that result in a United States or Israel
2 program of record.

3 (viii) A description of metrics and
4 milestones for the Working Group for the
5 following calendar year.

6 (C) FORM.—The report required by sub-
7 paragraph (A) shall be submitted in unclassi-
8 fied form and shall include a classified annex in
9 which the elements required under clauses (ii)
10 and (vi) of subparagraph (B) shall be ad-
11 dressed.

12 (3) APPROPRIATE COMMITTEES OF CONGRESS
13 DEFINED.—In this subsection, the term “appro-
14 priate committees of Congress” means—

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

18 (B) the Committee on Armed Services, the
19 Committee on Foreign Affairs, and the Perma-
20 nent Select Committee on Intelligence of the
21 House of Representatives.

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