

116TH CONGRESS
2D SESSION

H. R. 8494

To reaffirm the critical role of congressional consultation and to require appropriate deliberation to assess the effects of the sale or export of major defense equipment to countries in the Middle East on the qualitative military edge of Israel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. SCHNEIDER (for himself, Mr. DEUTCH, Mr. FITZPATRICK, Mr. SHERMAN, Mr. KATKO, Ms. WASSERMAN SCHULTZ, Mr. REED, Mr. GOTTHEIMER, Mr. BERA, Mrs. MURPHY of Florida, Mr. TED LIEU of California, Mr. TRONE, Mr. CISNEROS, Mrs. LURIA, Mr. PANETTA, Mr. ROSE of New York, Ms. TORRES SMALL of New Mexico, and Mr. SUOZZI) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To reaffirm the critical role of congressional consultation and to require appropriate deliberation to assess the effects of the sale or export of major defense equipment to countries in the Middle East on the qualitative military edge of 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 “Guaranteeing Israel’s
5 QME Act of 2020”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The recent signing of the Abraham Accords
4 and establishment of full diplomatic relations be-
5 tween United Arab Emirates and Bahrain with
6 Israel represents a historic step towards perusing
7 peace and security for all peoples in the Middle East
8 region.

9 (2) Israel remains the most important and most
10 reliable strategic ally of the United States in the
11 Middle East.

12 (3) The enactment of the United States-Israel
13 Strategic Partnership Act of 2014 (Public Law 113–
14 296) established Israel as a major strategic partner
15 of the United States.

16 (4) Certain countries and non-state actors in
17 the Middle East region have been at war, both de-
18 clared and undeclared, with Israel since its founding
19 in 1948.

20 (5) For more than 50 years, the United States
21 has worked to ensure Israel’s qualitative military
22 edge when considering the sale or export of defense
23 articles and defense services to Israel or to others in
24 the Middle East region.

25 (6) Maintaining a substantial qualitative mili-
26 tary edge is critical to preserving Israel’s safety and

1 security, and has been a vital consideration in all
2 previous sales of weapons to the region.

3 (7) Since 2008, the United States commitment
4 to Israel's qualitative military edge has been estab-
5 lished and reaffirmed several times in law.

6 (8) In 2016, the United States and Israel
7 signed a 10-year Memorandum of Understanding, in
8 which the United States committed that "the acqui-
9 sition of additional U.S.-produced capabilities and
10 technology provide the best means to ensure Israel
11 preserves its Qualitative Military Edge (QME)".

12 **SEC. 3. SENSE OF CONGRESS.**

13 It is the sense of Congress that the President, con-
14 sistent with long established United States law and in sup-
15 port of one of the most important United States allies,
16 must ensure that any sale or export of defense articles
17 or defense services to countries in the Middle East region
18 does not in any way adversely affect Israel's qualitative
19 military edge.

20 **SEC. 4. ADDITIONAL ASSESSMENT AND CONSULTATION RE-**
21 **GARDING ISRAEL'S QUALITATIVE MILITARY**
22 **EDGE.**

23 Section 36(h) of the Arms Export Control Act (22
24 U.S.C. 2776(h)) is amended by adding at the end the fol-
25 lowing:

1 “(4) CONSULTATION REQUIRED.—The Presi-
2 dent shall seek to consult with appropriate officials
3 of the Government of Israel for information regard-
4 ing Israel’s qualitative military edge before making
5 a determination under paragraph (1).

6 “(5) INITIAL DETERMINATION WITH RESPECT
7 TO LETTERS OF REQUEST.—Not later than 60 days
8 after the date of a letter of request for defense arti-
9 cles or defense services subject to this section, the
10 President shall submit to Congress an unclassified
11 determination with respect to the impact fulfilling
12 such request would have on Israel’s qualitative mili-
13 tary edge, and offer to provide supplemental classi-
14 fied briefing on such determination.”.

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