

Calendar No. 231

118TH CONGRESS
1ST SESSION

S. 3135

Making emergency supplemental appropriations for assistance for the situation in Israel for the fiscal year ending September 30, 2024, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2023

Mr. MARSHALL (for himself, Mr. VANCE, Mr. LEE, Mr. CRUZ, Mrs. BLACKBURN, Mr. JOHNSON, Ms. LUMMIS, and Mr. TUBERVILLE) introduced the following bill; which was read the first time

OCTOBER 26, 2023

Read the second time and placed on the calendar

A BILL

Making emergency supplemental appropriations for assistance for the situation in Israel for the fiscal year ending September 30, 2024, 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,*

1 **TITLE I—SUPPLEMENTAL**
2 **APPROPRIATIONS FOR ISRAEL**

3 DEPARTMENT OF DEFENSE

4 OPERATION AND MAINTENANCE

5 OPERATION AND MAINTENANCE, DEFENSE-WIDE

6 For an additional amount for “Operation and Main-
7 tenance, Defense-wide”, \$4,400,000,000, to remain avail-
8 able until September 30, 2025, to respond to the situation
9 in Israel and for related expenses: *Provided*, That amounts
10 made available under this heading shall be available for
11 transfer to accounts under the headings “Operation and
12 Maintenance”, “Procurement”, “Research, Development,
13 Test, and Evaluation”, and “Revolving and Management
14 Funds” for replacement, through new procurement or re-
15 pair of existing unserviceable equipment, of defense arti-
16 cles from the stocks of the Department of Defense, and
17 for reimbursement for defense services of the Department
18 of Defense and military education and training, provided
19 to or identified for provision to Israel or to foreign coun-
20 tries that have provided support to Israel at the request
21 of the United States: *Provided further*, That amounts
22 made available under this heading may also be transferred
23 to accounts under the heading “Procurement” for expan-
24 sion of public and private plants, including the land nec-
25 essary therefor, and procurement and installation of

1 equipment, appliances, and machine tools in such plants,
2 for the purpose of increasing production of critical muni-
3 tions: *Provided further*, That amounts made available
4 under this heading may also be transferred to accounts
5 under the heading “Procurement” and “Research, Devel-
6 opment, Test and Evaluation” for the acquisition of crit-
7 ical defense articles: *Provided further*, That funds trans-
8 ferred pursuant to a transfer authority provided under
9 this heading shall be merged with and available for the
10 same purposes and for the same time period as the appro-
11 priations to which the funds are transferred: *Provided fur-*
12 *ther*, That the Secretary of Defense shall notify the con-
13 gressional defense committees of the details of such trans-
14 fers not less than 15 days before any such transfer: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided under this heading,
18 such amounts may be transferred back and merged with
19 this appropriation: *Provided further*, That amounts may
20 be transferred between appropriations made under this
21 heading: *Provided further*, That any transfer authority
22 provided under this heading is in addition to any other
23 transfer authority provided by law: *Provided further*, That
24 such amount in this paragraph is designated by Congress
25 as an emergency requirement pursuant to section

1 251(b)(2)(A) of the Balanced Budget and Emergency
 2 Deficit Control Act of 1985, as amended: *Provided further*,
 3 That such amounts shall be available only if the President
 4 designates such amount as an emergency requirement pur-
 5 suant to section 251(b)(2)(A).

6 PROCUREMENT

7 PROCUREMENT OF AMMUNITION, ARMY

8 For an additional amount for “Procurement of Am-
 9 munition, Army”, \$801,400,000, to remain available until
 10 September 30, 2026, to respond to the situation in Israel
 11 and for related expenses: *Provided*, That such amount is
 12 designated by the Congress as an emergency requirement
 13 pursuant to section 251(b)(2)(A) of the Balanced Budget
 14 and Emergency Deficit Control Act of 1985, as amended:
 15 *Provided further*, That such amount shall be available only
 16 if the President designates such amount as an emergency
 17 requirement pursuant to section 251(b)(2)(A).

18 PROCUREMENT, DEFENSE-WIDE

19 For an additional amount for “Procurement, De-
 20 fense-wide”, \$4,000,000,000, to remain available until
 21 September 30, 2027, for the Secretary of Defense to pro-
 22 vide to the Government of Israel for the procurement of
 23 the Iron Dome and David’s Sling defense systems to
 24 counter short-range rocket threats: *Provided*, That such
 25 funds shall be transferred pursuant to an exchange of let-

1 ters and are in addition to funds provided pursuant to the
2 U.S.-Israel Iron Dome Procurement Agreement, as
3 amended: *Provided further*, That nothing under this head-
4 ing shall be construed to apply to amounts made available
5 in prior appropriations Acts for the procurement of the
6 Iron Dome and David’s Sling defense systems: *Provided*
7 *further*, That such amount is designated by Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985, as amended: *Provided further*,
11 That such amounts shall be available only if the President
12 designates such amount as an emergency requirement pur-
13 suant to section 251(b)(2)(A).

14 DEFENSE PRODUCTION ACT PURCHASES

15 For an additional amount for “Defense Production
16 Act Purchases”, \$198,600,000, to remain available until
17 expended, for activities by the Department of Defense pur-
18 suant to sections 108, 301, 302, and 303 of the Defense
19 Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and
20 4533): *Provided*, That such amounts shall be obligated
21 and expended by the Secretary of Defense as if delegated
22 the necessary authorities conferred by the Defense Pro-
23 duction Act of 1950: *Provided further*, That such amount
24 is designated by Congress as an emergency requirement
25 pursuant to section 251(b)(2)(A) of the Balanced Budget

1 and Emergency Deficit Control Act of 1985, as amended:
2 *Provided further*, That such amount shall be available only
3 if the President designates such amount as an emergency
4 requirement pursuant to section 251(b)(2)(A).

5 RESEARCH, DEVELOPMENT, TEST AND
6 EVALUATION

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
8 DEFENSE-WIDE

9 For an additional amount for “Research, Develop-
10 ment, Test and Evaluation, Defense-wide”,
11 \$1,200,000,000, to remain available until September 30,
12 2026, for the Secretary of Defense to provide to the Gov-
13 ernment of Israel for the development of the Iron Beam
14 defense system to counter short-range rocket threats: *Pro-*
15 *vided*, That such funds shall be transferred pursuant to
16 an exchange of letters: *Provided further*, That nothing in
17 the preceding proviso shall be construed to apply to
18 amounts made available in prior appropriations Acts for
19 the development of the Iron Beam defense system: *Pro-*
20 *vided further*, That such amount is designated by Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985, as amended: *Provided further*,
24 That such amounts shall be available only if the President

1 designates such amount as an emergency requirement pur-
2 suant to section 251(b)(2)(A).

3 DEPARTMENT OF STATE AND RELATED

4 AGENCY

5 DEPARTMENT OF STATE

6 ADMINISTRATION OF FOREIGN AFFAIRS

7 DIPLOMATIC PROGRAMS

8 For an additional amount for “Diplomatic pro-
9 grams”, \$150,000,000, to remain available until Sep-
10 tember 30, 2025, of which \$50,000,000 shall be for re-
11 sponding to the situation in Israel and areas impacted by
12 the situation in Israel, and of which \$100,000,000 shall
13 be available until expended for Worldwide Security Protec-
14 tion to respond to the situation in Israel and areas im-
15 pacted by the situation in Israel: *Provided*, That such
16 amount is designated by Congress as an emergency re-
17 quirement pursuant to section 251(b)(2)(A) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985,
19 as amended: *Provided further*, That such amount shall be
20 available only if the President designates such amount as
21 an emergency requirement pursuant to section
22 251(b)(2)(A).

1 prevent or respond to security situations and require-
2 ments: *Provided*, That any such transfer shall be subject
3 to prior consultation with, and the regular notification
4 procedures of, the Committee on Appropriations of the
5 Senate and the House of Representatives: *Provided fur-*
6 *ther*, That such transfer authority is in addition to any
7 transfer authority otherwise available in this Act and
8 under any other provision of law.

9 INTERNATIONAL SECURITY ASSISTANCE

10 FUNDS APPROPRIATED TO THE PRESIDENT

11 FOREIGN MILITARY FINANCING PROGRAM

12 For an additional amount for “Foreign Military Fi-
13 nancing Program”, \$3,500,000,000, to remain available
14 until September 30, 2025, which shall be for responding
15 to the situation in Israel and related expenses: *Provided*,
16 That funds made available under this heading in this Act
17 and Acts making appropriations for the Department of
18 State, foreign operations, and related programs for fiscal
19 year 2024, and prior fiscal years, in addition to funds oth-
20 erwise available for such purposes, may be used by the
21 Department of State for necessary expenses for the gen-
22 eral costs of administering military assistance and sales,
23 including management and oversight of such programs
24 and activities: *Provided further*, That direct loans made
25 using amounts described in the preceding proviso may be

1 made notwithstanding any provision of law limiting the in-
2 terest rate charged to borrowers: *Provided further*, That
3 loan guarantees made using amounts described in the sec-
4 ond proviso under this heading for loans financed by the
5 Federal Financing Bank may be provided notwithstanding
6 any provision of law limiting the percentage of loan prin-
7 cipal that may be guaranteed: *Provided further*, That, to
8 the extent that the Government of Israel requests that
9 funds be used for such purposes, grants made available
10 for Israel under this heading shall, as agreed by the
11 United States and Israel, be available for advanced weap-
12 ons systems, of which up to \$3,500,000,000 may be avail-
13 able for the procurement in Israel of defense articles and
14 defense services: *Provided further*, That any congressional
15 notification requirement applicable to funds made avail-
16 able under this heading for Israel may be waived if a de-
17 termination is made that extraordinary circumstances
18 exist that impact the national security of the United
19 States: *Provided further*, That such amount is designated
20 by Congress as an emergency requirement pursuant to
21 section 251(b)(2)(A) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985, as amended: *Provided*
23 *further*, That such amount shall be available only if the
24 President designates such amount as an emergency re-
25 quirement pursuant to section 251(b)(2)(A).

1 **TITLE II—GENERAL PROVISIONS**

2 **SEC. 201. DRAWDOWN AUTHORITY.**

3 (a) IN GENERAL.—Section 506(a) of the Foreign As-
4 sistance Act of 1961 (22 U.S.C. 2318(a)) is amended by
5 adding at the end the following new paragraph:

6 “(4) For fiscal year 2024, in addition to
7 amounts otherwise specified in this section, the
8 President may direct the drawdown of defense arti-
9 cles from the stocks of the Department of Defense,
10 defense services of the Department of Defense, and
11 military education and training, of an aggregate
12 value not to exceed \$7,000,000,000, to be provided
13 to Israel.”.

14 (b) NATIONAL INTEREST.—Section 506(a)(2) of the
15 Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2))
16 is amended by adding at the end the following new sub-
17 paragraph:

18 “(C) For fiscal year 2024, in addition to
19 amounts otherwise specified in this section, an ag-
20 gregate value not to exceed \$200,000,000 of any
21 such articles, services, and military education and
22 training may be provided to Israel pursuant to sub-
23 paragraph (A) of this paragraph, not more than
24 \$75,000,000 of which may be provided from the

1 drawdown from the inventory and resources of the
2 Department of Defense.”.

3 (c) EMERGENCY TRANSFER OF FUNDS.—Section
4 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C.
5 2348a(c)) is amended by adding at the end the following:
6 “For fiscal year 2024, in addition to the aggregate value
7 of \$25,000,000 authorized in the text in paragraph (1)
8 designated as paragraph (2) of the sentence preceding the
9 immediately preceding sentence, the President may direct
10 the drawdown of commodities and services from the inven-
11 tory and resources of any agency of the United States
12 Government for the purposes of providing necessary and
13 immediate assistance to Israel of a value not to exceed
14 \$25,000,000.”.

15 (d) SPECIAL AUTHORITIES.—Section 614(a)(4) of
16 the Foreign Assistance Act of 1961 (22 U.S.C.
17 2364(a)(4)) is amended by adding at the end the following
18 new subparagraph:

19 “(D) Notwithstanding the limitations in this
20 subsection and in addition to other amounts in this
21 subsection, in fiscal year 2024, the authority of this
22 subsection may be used to authorize the use of up
23 to \$1,000,000,000 of funds made available for use
24 under this chapter or the Arms Export Control Act
25 (22 U.S.C. 2751 et seq.), to be provided to Israel.”.

1 (e) TRANSFER OF FUNDS.—During fiscal year 2024,
2 section 610(a) of the Foreign Assistance Act of 1961 (22
3 U.S.C. 2360) shall be applied by substituting “20 per cen-
4 tum” for “10 per centum” and “40 per centum” for “20
5 per centum”.

6 **SEC. 202. DEPARTMENT OF DEFENSE STOCKPILES.**

7 Section 12001 of the Department of Defense Appro-
8 priations Act, 2005 (Public Law 108–287), as amended
9 by Public Law 115–141, is amended as follows:

10 (1) in paragraph (2) of subsection (a), by strik-
11 ing “armor” and all that follows through the period
12 at the end and inserting “defense articles that are
13 in the inventory of the Department of Defense as of
14 the date of transfer, are intended for use as reserve
15 stocks for Israel, and are located in a stockpile for
16 Israel as of the date of transfer.”;

17 (2) in subsection (b), by striking “at least equal
18 to the fair market value of the items transferred”
19 and inserting “in an amount to be determined by
20 the Secretary of Defense”; and

21 (3) in subsection (c), by inserting after “au-
22 thority of this section” the following: “, or as far in
23 advance of such transfer as is practicable as deter-
24 mined by the President on a case-by-case basis dur-

1 ing extraordinary circumstances impacting the na-
2 tional security of the United States”.

3 **SEC. 203. FISCAL YEAR LIMITS ON NEW STOCKPILES OR AD-**
4 **DITIONS TO EXISTING STOCKPILES LOCATED**
5 **IN FOREIGN COUNTRIES.**

6 For fiscal year 2024, section 514(b) of the Foreign
7 Assistance Act of 1961 (22 U.S.C. 2321h(b)) shall not
8 apply to defense articles to be set aside, earmarked, re-
9 served, or intended for use as reserve stocks in stockpiles
10 in the State of Israel.

11 **SEC. 204. GENERAL AUTHORITIES AND CONDITIONS.**

12 Unless otherwise provided for by this Act, the addi-
13 tional amounts appropriated to appropriations accounts in
14 this Act shall be available under the authorities and condi-
15 tions applicable to such appropriations accounts for fiscal
16 year 2024.

17 **SEC. 205. LIMITATIONS.**

18 None of the amounts appropriated or otherwise made
19 available by this Act may be obligated or expended—

20 (1) in connection with the war in Ukraine; or

21 (2) for assistance to any entity that is—

22 (A) located in the territory of Gaza; or

23 (B) is controlled or influenced by Hamas,

24 Palestinian Islamic Jihad, or any other organi-

25 zation designated by the Secretary of State as

1 a foreign terrorist organization under section
2 219 of the Immigration and Nationality Act (8
3 U.S.C. 1189).

4 **SEC. 206. RULE OF CONSTRUCTION.**

5 Nothing in this Act may be construed to constitute
6 a specific statutory authorization for the introduction of
7 United States Armed Forces into hostilities or into situa-
8 tions wherein hostilities are clearly indicated by the cir-
9 cumstances.

10 **SEC. 207. SHORT TITLE.**

11 This Act may be cited as the “Israel Supplemental
12 Appropriations Act of 2023”.

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A BILL

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