

In the House of Representatives, U. S.,

September 12, 2018.

Resolved, That the bill from the Senate (S. 2497) entitled “An Act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Ileana Ros-Lehtinen United States-Israel Security Assist-*
4 *ance Authorization Act of 2018”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
6 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Appropriate congressional committees defined.

TITLE I—SECURITY ASSISTANCE FOR ISRAEL

Sec. 101. Findings.

Sec. 102. Statement of policy regarding Israel’s defense systems.

Sec. 103. 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-Israel space cooperation.

Sec. 202. United States Agency for International Development-Israel enhanced partnership for development cooperation in developing nations.

Sec. 203. Authority to enter into a cooperative project agreement with Israel to counter unmanned aerial vehicles that threaten the United States or Israel.

TITLE III—ENSURING ISRAEL'S QUALITATIVE MILITARY EDGE

Sec. 301. Statement of policy.

1 **SEC. 2. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
2 **FINED.**

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

5 *(1) the Committee on Foreign Relations and the*
6 *Committee on Armed Services of the Senate; and*

7 *(2) the Committee on Foreign Affairs and the*
8 *Committee on Armed Services of the House of Rep-*
9 *resentatives.*

10 **TITLE I—SECURITY ASSISTANCE**
11 **FOR ISRAEL**

12 **SEC. 101. FINDINGS.**

13 *Congress makes the following findings:*

14 *(1) In February 1987, the United States granted*
15 *Israel major non-NATO ally status.*

16 *(2) On August 16, 2007, the United States and*
17 *Israel signed a 10-year Memorandum of Under-*
18 *standing on United States military assistance to*
19 *Israel. The total assistance over the course of this un-*
20 *derstanding would equal \$30 billion.*

1 (3) On July 27, 2012, the United States-Israel
2 Enhanced Security Cooperation Act of 2012 (Public
3 Law 112–150; 22 U.S.C. 8601 et seq.) declared it to
4 be the policy of the United States “to help the Govern-
5 ment of Israel preserve its qualitative military edge
6 amid rapid and uncertain regional political trans-
7 formation” and stated the sense of Congress that the
8 United States Government should “provide the Gov-
9 ernment of Israel defense articles and defense services
10 through such mechanisms as appropriate, to include
11 air refueling tankers, missile defense capabilities, and
12 specialized munitions”.

13 (4) On December 19, 2014, President Barack
14 Obama signed into law the United States-Israel Stra-
15 tegic Partnership Act of 2014 (Public Law 113–296)
16 which stated the sense of Congress that Israel is a
17 major strategic partner of the United States and de-
18 clared it to be the policy of the United States “to con-
19 tinue to provide Israel with robust security assistance,
20 including for the procurement of the Iron Dome Mis-
21 sile Defense System”.

22 (5) Section 1679 of the National Defense Author-
23 ization Act for Fiscal Year 2016 (Public Law 114–
24 92; 129 Stat. 1135) authorized funds to be appro-
25 priated for Israeli cooperative missile defense pro-

1 *gram codevelopment and coproduction, including*
2 *funds to be provided to the Government of Israel to*
3 *procure the David's Sling weapon system as well as*
4 *the Arrow 3 Upper Tier Interceptor Program.*

5 *(6) On September 14, 2016, the United States*
6 *and Israel signed a 10-year Memorandum of Under-*
7 *standing reaffirming 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 bi-*
11 *lateral relationship between the two countries.*

12 *(7) The 2016 Memorandum of Understanding re-*
13 *flected United States support of Foreign Military Fi-*
14 *nancing (FMF) grant assistance to Israel over the 10-*
15 *year period beginning in fiscal year 2019 and ending*
16 *in fiscal year 2028. FMF grant assistance would be*
17 *at a level of \$3,300,000,000 annually, totaling \$33*
18 *billion, the largest single pledge of military assistance*
19 *ever and a reiteration of the seven-decade,*
20 *unshakeable, bipartisan commitment of the United*
21 *States to Israel's security.*

22 *(8) The Memorandum of Understanding also re-*
23 *flected United States support for funding for coopera-*
24 *tive programs to develop, produce, and procure mis-*
25 *sile, rocket, and projectile defense capabilities over a*

1 10-year period beginning in fiscal year 2019 and
2 ending in fiscal year 2028 at a level of \$500 million
3 per year, totaling \$5 billion.

4 **SEC. 102. STATEMENT OF POLICY REGARDING ISRAEL'S DE-**
5 **FENSE SYSTEMS.**

6 It shall be the policy of the United States to provide
7 assistance to the Government of Israel in order to support
8 funding for cooperative programs to develop, produce, and
9 procure missile, rocket, projectile, and other defense capa-
10 bilities to help Israel meet its security needs and to help
11 develop and enhance United States defense capabilities.

12 **SEC. 103. ASSISTANCE FOR ISRAEL.**

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

15 (1) in paragraph (1), by striking “2002 and
16 2003” and inserting “2019, 2020, 2021, 2022, 2023,
17 2024, 2025, 2026, 2027, and 2028”; and

18 (2) in paragraph (2)—

19 (A) by striking “equal to—” and inserting
20 “not less than \$3,300,000,000.”; and

21 (B) by striking subparagraphs (A) and (B).

22 **SEC. 104. EXTENSION OF WAR RESERVES STOCKPILE AU-**
23 **THORITY.**

24 Section 514(b)(2)(A) of the Foreign Assistance Act of
25 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking

1 “2013, 2014, 2015, 2016, 2017, and 2018” and inserting
2 “2018, 2019, 2020, 2021, 2022, and 2023.”.

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

4 Chapter 5 of title I of the Emergency Wartime Supple-
5 mental Appropriations Act, 2003 (Public Law 108–11; 117
6 Stat. 576) is amended under the heading “LOAN GUARAN-
7 TEES TO ISRAEL”—

8 (1) in the matter preceding the first proviso, by
9 striking “September 30, 2019” and inserting “Sep-
10 tember 30, 2023”; and

11 (2) in the second proviso, by striking “September
12 30, 2019” and inserting “September 30, 2023”.

13 **SEC. 106. TRANSFER OF PRECISION GUIDED MUNITIONS TO**
14 **ISRAEL.**

15 (a) *IN GENERAL.*—Notwithstanding section 514 of the
16 Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the
17 President is authorized to transfer such quantities of preci-
18 sion guided munitions from reserve stocks to Israel as nec-
19 essary for legitimate self-defense and otherwise consistent
20 with the purposes and conditions for such transfers under
21 the Arms Export Control Act (22 U.S.C. 2751 et seq.).

22 (b) *CERTIFICATIONS.*—Except in case of emergency,
23 not later than 5 days before making a transfer under this
24 section, the President shall certify in an unclassified notifi-

1 cation to the appropriate congressional committees that the
2 transfer of the precision guided munitions—

3 (1) does not affect the ability of the United
4 States to maintain a sufficient supply of precision
5 guided munitions;

6 (2) does not harm the combat readiness of the
7 United States or the ability of the United States to
8 meet its commitment to allies for the transfer of such
9 munitions;

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

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

14 **SEC. 107. SENSE OF CONGRESS ON RAPID ACQUISITION**
15 **AND DEPLOYMENT PROCEDURES.**

16 *It is the sense of Congress that the President should*
17 *prescribe procedures for the rapid acquisition and deploy-*
18 *ment of precision guided munitions for United States*
19 *counterterrorism missions, or to assist an ally of the United*
20 *States, including Israel, that is subject to direct missile*
21 *threat.*

1 **SEC. 108. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC**
2 **TRADE AUTHORIZATION EXCEPTION TO CER-**
3 **TAIN EXPORT CONTROL LICENSING REQUIRE-**
4 **MENTS.**

5 (a) *FINDINGS.*—Congress makes the following findings:

6 (1) *Israel has adopted high standards in the field*
7 *of export controls.*

8 (2) *Israel has declared its unilateral adherence to*
9 *the Missile Technology Control Regime, the Australia*
10 *Group, and the Nuclear Suppliers Group.*

11 (3) *Israel is a party to—*

12 (A) *the Convention on Prohibitions or Re-*
13 *strictions on the Use of Certain Conventional*
14 *Weapons which may be Deemed to be Excessively*
15 *Injurious or to Have Indiscriminate Effects,*
16 *signed at Geneva October 10, 1980;*

17 (B) *the Protocol for the Prohibition of the*
18 *Use in War of Asphyxiating, Poisonous or Other*
19 *Gases, and of Bacteriological Methods of War-*
20 *fare, signed at Geneva June 17, 1925; and*

21 (C) *the Convention on the Physical Protec-*
22 *tion of Nuclear Material, adopted at Vienna Oc-*
23 *tober 26, 1979.*

24 (4) *Section 6(b) of the United States-Israel Stra-*
25 *tegic Partnership Act of 2014 (22 U.S.C. 8603 note)*
26 *directs the President, consistent with the commitments*

1 of the United States under international agreements,
 2 to take steps so that Israel may be included in the list
 3 of countries eligible for the strategic trade authoriza-
 4 tion exception under section 740.20(c)(1) of title 15,
 5 Code of Federal Regulations, to the requirement for a
 6 license for the export, reexport, or in-country transfer
 7 of an item subject to controls under the Export Ad-
 8 ministration Regulations.

9 (b) *REPORT ON ELIGIBILITY FOR STRATEGIC TRADE*
 10 *AUTHORIZATION EXCEPTION.*—

11 (1) *IN GENERAL.*—Not later than 120 days after
 12 the date of the enactment of this Act, the President
 13 shall submit to the appropriate congressional commit-
 14 tees a report that describes the steps taken pursuant
 15 to section 6(b) of the United States-Israel Strategic
 16 Partnership Act of 2014 (22 U.S.C. 8603 note).

17 (2) *FORM.*—The report required under para-
 18 graph (1) shall be provided in unclassified form, but
 19 may contain a classified portion.

20 **TITLE II—ENHANCED UNITED**
 21 **STATES-ISRAEL COOPERATION**

22 **SEC. 201. UNITED STATES-ISRAEL SPACE COOPERATION.**

23 (a) *FINDINGS.*—Congress makes the following findings:

24 (1) *Authorized in 1958, the National Aeronautics*
 25 *and Space Administration (NASA) supports and co-*

1 *ordinates United States Government research in aero-*
2 *nautics, human exploration and operations, science,*
3 *and space technology.*

4 (2) *Established in 1983, the Israel Space Agency*
5 *(ISA) supports the growth of Israel's space industry*
6 *by supporting academic research, technological inno-*
7 *vation, and educational activities.*

8 (3) *The mutual interest of the United States and*
9 *Israel in space exploration affords both nations an*
10 *opportunity to leverage their unique abilities to ad-*
11 *vance scientific discovery.*

12 (4) *In 1996, NASA and the ISA entered into an*
13 *agreement outlining areas of mutual cooperation,*
14 *which remained in force until 2005.*

15 (5) *Since 1996, NASA and the ISA have success-*
16 *fully cooperated on many space programs supporting*
17 *the Global Positioning System and research related to*
18 *the sun, earth science, and the environment.*

19 (6) *The bond between NASA and the ISA was*
20 *permanently forged on February 1, 2003, with the*
21 *loss of the crew of STS-107, including Israeli Astro-*
22 *naut Ilan Ramon.*

23 (7) *On October 13, 2015, the United States and*
24 *Israel signed the Framework Agreement between the*
25 *National Aeronautics and Space Administration of*

1 *the United States of America and the Israel Space*
2 *Agency for Cooperation in Aeronautics and the Ex-*
3 *ploration and Use of Airspace and Outer Space for*
4 *Peaceful Purposes.*

5 *(b) CONTINUING COOPERATION.—The Administrator*
6 *of the National Aeronautics and Space Administration*
7 *shall continue to work with the Israel Space Agency to iden-*
8 *tify and cooperatively pursue peaceful space exploration*
9 *and science initiatives in areas of mutual interest, taking*
10 *all appropriate measures to protect sensitive information,*
11 *intellectual property, trade secrets, and economic interests*
12 *of the United States.*

13 **SEC. 202. UNITED STATES AGENCY FOR INTERNATIONAL**
14 **DEVELOPMENT-ISRAEL ENHANCED PARTNER-**
15 **SHIP FOR DEVELOPMENT COOPERATION IN**
16 **DEVELOPING NATIONS.**

17 *(a) STATEMENT OF POLICY.—It should be the policy*
18 *of the United States Agency for International Development*
19 *(USAID) to partner with Israel in order to advance com-*
20 *mon goals across a wide variety of sectors, including energy,*
21 *agriculture and food security, democracy, human rights*
22 *and governance, economic growth and trade, education, en-*
23 *vironment, global health, and water and sanitation.*

24 *(b) MEMORANDUM OF UNDERSTANDING.—The Admin-*
25 *istrator of the United States Agency for International De-*

1 *velopment is authorized to enter into memoranda of under-*
 2 *standing with Israel in order to enhance coordination on*
 3 *advancing common goals on energy, agriculture and food*
 4 *security, democracy, human rights and governance, eco-*
 5 *nomie growth and trade, education, environment, global*
 6 *health, and water and sanitation with a focus on strength-*
 7 *ening mutual ties and cooperation with nations throughout*
 8 *the world.*

9 **SEC. 203. AUTHORITY TO ENTER INTO A COOPERATIVE**
 10 **PROJECT AGREEMENT WITH ISRAEL TO**
 11 **COUNTER UNMANNED AERIAL VEHICLES**
 12 **THAT THREATEN THE UNITED STATES OR**
 13 **ISRAEL.**

14 *(a) FINDINGS.—Congress makes the following findings:*

15 *(1) On February 10, 2018, Iran launched from*
 16 *Syria an unmanned aerial vehicle (commonly known*
 17 *as a “drone”) that penetrated Israeli airspace.*

18 *(2) According to a press report, the unmanned*
 19 *aerial vehicle was in Israeli airspace for a minute*
 20 *and a half before being shot down by its air force.*

21 *(3) Senior Israeli officials stated that the un-*
 22 *manned aerial vehicle was an advanced piece of tech-*
 23 *nology.*

24 *(b) SENSE OF CONGRESS.—It is the sense of the Con-*
 25 *gress that—*

1 (1) *joint research and development to counter*
2 *unmanned aerial vehicles will serve the national secu-*
3 *urity interests of the United States and Israel;*

4 (2) *Israel faces urgent and emerging threats from*
5 *unmanned aerial vehicles, and other unmanned vehi-*
6 *cles, launched from Lebanon by Hezbollah, from*
7 *Syria by Iran's Revolutionary Guard Corps, or from*
8 *others seeking to attack Israel;*

9 (3) *efforts to counter unmanned aerial vehicles*
10 *should include the feasibility of utilizing directed en-*
11 *ergy and high powered microwave technologies, which*
12 *can disable vehicles without kinetic destruction; and*

13 (4) *the United States and Israel should continue*
14 *to work together to defend against all threats to the*
15 *safety, security, and national interests of both coun-*
16 *tries.*

17 *(c) AUTHORITY TO ENTER INTO AGREEMENT.—*

18 (1) *IN GENERAL.—The President is authorized to*
19 *enter into a cooperative project agreement with Israel*
20 *under the authority of section 27 of the Arms Export*
21 *Control Act (22 U.S.C. 2767), to carry out research*
22 *on, and development, testing, evaluation, and joint*
23 *production (including follow-on support) of, defense*
24 *articles and defense services, such as the use of di-*
25 *rected energy or high powered microwave technology,*

1 to detect, track, and destroy unmanned aerial vehicles
2 that threaten the United States or Israel.

3 (2) *APPLICABLE REQUIREMENTS.*—*The coopera-*
4 *tive project agreement described in paragraph (1)*
5 *shall—*

6 (A) *provide that any activities carried out*
7 *pursuant to the agreement are subject to—*

8 (i) *the applicable requirements de-*
9 *scribed in subparagraphs (A), (B), and (C)*
10 *of section 27(b)(2) of the Arms Export Con-*
11 *trol Act (22 U.S.C. 2767(b)(2)); and*

12 (ii) *any other applicable requirements*
13 *of the Arms Export Control Act (22 U.S.C.*
14 *2751 et seq.) with respect to the use, trans-*
15 *fers, and security of such defense articles*
16 *and defense services under that Act;*

17 (B) *establish a framework to negotiate the*
18 *rights to intellectual property developed under*
19 *the agreement; and*

20 (C) *include appropriate protections for sen-*
21 *sitive technology.*

22 (d) *REPORT ON COOPERATION.*—

23 (1) *REPORT REQUIRED.*—*Not later than 90 days*
24 *after the date of the enactment of this Act, the Sec-*
25 *retary of Defense shall submit to the congressional de-*

1 *fense committees (as that term is defined in section*
2 *101(a) of title 10, United States Code), the Committee*
3 *on Foreign Relations of the Senate, and the Com-*
4 *mittee on Foreign Affairs of the House of Representa-*
5 *tives a report describing the cooperation of the United*
6 *States with Israel with respect to countering un-*
7 *manned aerial systems that includes each of the fol-*
8 *lowing:*

9 *(A) An identification of specific capability*
10 *gaps of the United States and Israel with respect*
11 *to countering unmanned aerial systems.*

12 *(B) An identification of cooperative projects*
13 *that would address those capability gaps and*
14 *mutually benefit and strengthen the security of*
15 *the United States and Israel.*

16 *(C) An assessment of the projected cost for*
17 *research and development efforts for such cooper-*
18 *ative projects, including an identification of*
19 *those to be conducted in the United States, and*
20 *the timeline for the completion of each such*
21 *project.*

22 *(D) An assessment of the extent to which the*
23 *capability gaps of the United States identified*
24 *pursuant to subparagraph (A) are not likely to*

1 *be addressed through the cooperative projects*
2 *identified pursuant to subparagraph (B).*

3 *(E) An assessment of the projected costs for*
4 *procurement and fielding of any capabilities de-*
5 *veloped jointly pursuant to an agreement de-*
6 *scribed in subsection (c).*

7 (2) *LIMITATION.*—*No activities may be con-*
8 *ducted pursuant to an agreement described in sub-*
9 *section (c) until the date that is 15 days after the*
10 *date on which the Secretary of Defense submits the re-*
11 *port required under paragraph (1).*

12 ***TITLE III—ENSURING ISRAEL’S***
13 ***QUALITATIVE MILITARY EDGE***

14 ***SEC. 301. STATEMENT OF POLICY.***

15 *It is the policy of the United States to ensure that*
16 *Israel maintains its ability to counter and defeat any cred-*
17 *ible conventional military, or emerging, threat from any*
18 *individual state or possible coalition of states or from non-*
19 *state actors, while sustaining minimal damages and casual-*
20 *ties, through the use of superior military means, possessed*
21 *in sufficient quantity, including weapons, command, con-*
22 *trol, communication, intelligence, surveillance, and recon-*
23 *naissance capabilities that in their technical characteristics*

- 1 *are superior in capability to those of such other individual*
- 2 *or possible coalition states or non-state actors.*

Attest:

Clerk.

115TH CONGRESS
2^D SESSION

S. 2497

AMENDMENT