

118TH CONGRESS
2D SESSION

H. R. 8437

To provide for congressional oversight of proposed changes to arms sales
to Israel.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2024

Mr. MCCAUL (for himself, Mrs. WAGNER, Mrs. RADEWAGEN, Mr. SELF, Mr. LAWLER, Mr. WILSON of South Carolina, Mr. KEAN of New Jersey, Mr. STANTON, Mr. SHERMAN, Mr. OWENS, Mr. FITZPATRICK, Mr. JACKSON of Texas, Mrs. KIGGANS of Virginia, Mr. NUNN of Iowa, Mr. RESCHENTHALER, Mr. BACON, Mr. BALDERSON, Ms. MANNING, Mr. MAST, Mr. FLEISCHMANN, Mr. GUEST, Mr. GIMENEZ, Mr. LAMBORN, Mr. BARR, Mr. WEBER of Texas, Mr. SESSIONS, Mr. SMITH of New Jersey, Mr. GARBARINO, Mr. GOTTHEIMER, Mr. GOLDEN of Maine, Mr. MOSKOWITZ, and Mrs. MILLER of West Virginia) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for congressional oversight of proposed changes
to arms sales to Israel.

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 “Maintaining Our Iron-
5 clad Commitment to Israel’s Security Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2016 the Obama Administration con-
4 cluded negotiations with Israel for a 10-year Memo-
5 randum of Understanding covering security assist-
6 ance for fiscal years 2019 to 2028 that affirmed
7 “the unshakeable commitment of the United States
8 to Israel’s security”.

9 (2) In May 2024, the Biden Administration de-
10 layed shipment of 1,800 2,000-pound bombs and
11 1,700 500-pound bombs to Israel in an effort to
12 place political pressure on the Government of Israel.

13 (3) This decision of the Biden Administration
14 was made without consulting or notifying Congress
15 and despite repeated public assurances that the
16 United States-Israel relationship was “ironclad” and
17 that there was “no change in policy”.

18 (4) On May 8, 2024, President Biden stated re-
19 garding Israel, “We’re not going to supply the weap-
20 ons and artillery shells.”.

21 **SEC. 3. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) Israel has a right to defend itself, which in-
24 cludes the need for offensive capabilities in order to
25 deter and defeat threats, including those posed by

1 Iran and its terrorist proxies Hamas, Hezbollah, and
2 the Houthis;

3 (2) previously negotiated and approved United
4 States arms sales to Israel should proceed, and all
5 pauses should be lifted, to ensure that Israel is prop-
6 erly equipped to defend itself and defeat threats, in-
7 cluding those posed by Iran and its terrorist proxies
8 Hamas, Hezbollah, and the Houthis; and

9 (3) limiting or otherwise delaying the sale or
10 delivery of United States-made defense articles to
11 Israel runs counter to the commitments the United
12 States made to Israel as part of the 2016 Memo-
13 randum of Understanding and undermines regional
14 security, including prospective advances in Israel-
15 Saudi normalization.

16 **SEC. 4. CONGRESSIONAL OVERSIGHT OF PROPOSED**
17 **CHANGES TO ARMS SALES TO ISRAEL.**

18 (a) IN GENERAL.—The President may not take any
19 action to pause, suspend, delay, or abrogate the delivery
20 of covered defense articles or defense services to Israel,
21 including as part of a policy review, unless, not less than
22 15 days prior to such action, the President provides the
23 notification described in (b) relating to such pause, sus-
24 pension, delay, or abrogation in unclassified form, with a

1 classified annex as necessary, to the appropriate congress-
2 sional committees.

3 (b) NOTIFICATION DESCRIBED.—The notification re-
4 lating to a pause, suspension, delay, or abrogation to the
5 delivery of covered defense articles or defense services
6 shall include the following:

7 (1) An identification of the end user of the arti-
8 cles or services.

9 (2) A detailed description of the type of articles
10 or services to include the date on which Congress
11 was notified of the transfer of the articles or serv-
12 ices.

13 (3) A policy justification for the pause, suspen-
14 sion, delay, or abrogation and a description of the
15 potential impact such action may have on United
16 States national security interests.

17 (4) An identification of conditions for lifting the
18 pause, suspension, delay, or abrogation and whether
19 such conditions will be communicated to the Govern-
20 ment of Israel and the timeline for meeting such
21 conditions.

22 (5) A description of the sources of funds, in-
23 cluding an identification of appropriations accounts
24 if applicable, used to provide the articles or services.

1 (6) An identification of any bilateral agreement
2 or memorandum of understanding related to the au-
3 thority to provide the articles or services.

4 (7) A description as to whether the action
5 would adversely affect Israel’s qualitative military
6 edge over military threats to Israel.

7 (c) DEFINITIONS.—In this section—

8 (1) the term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Foreign Affairs and
11 the Committee on Appropriations of the House
12 of Representatives; and

13 (B) the Committee on Foreign Relations
14 and the Committee on Appropriations of the
15 Senate; and

16 (2) the term “qualitative military edge” has the
17 meaning given that term in section 36(h)(3) of the
18 Arms Export Control Act (22 U.S.C. 2776(h)(3)).

19 **SEC. 5. CONGRESSIONAL REVIEW.**

20 (a) LIMITATION ON ACTIONS DURING INITIAL CON-
21 GRESSIONAL REVIEW PERIOD.—During the 15 day period
22 following the submission of a notification described in sec-
23 tion 4(b), the President may not take any action to pause,
24 suspend, delay, or abrogate the delivery of covered defense
25 articles or services to Israel described in such notification.

1 (b) LIMITATION ON ACTIONS AFTER INTRODUCTION
2 OF A JOINT RESOLUTION OF DISAPPROVAL.—If a joint
3 resolution of disapproval relating to notification described
4 in section 4(b) is introduced, the President may not take
5 any action relating to the pause, suspension, delay, or ab-
6 rogation to the delivery of covered defense articles or de-
7 fense services described in such notification for a period
8 of 10 calendar days, unless the joint resolution sooner
9 passes both Houses of Congress.

10 (c) LIMITATION ON ACTIONS DURING PRESIDENTIAL
11 CONSIDERATION OF A JOINT RESOLUTION OF DIS-
12 APPROVAL.—If a joint resolution of disapproval relating
13 to notification described in section 4(b) passes both
14 Houses of Congress, the President may not take any ac-
15 tion relating to the pause, suspension, delay, or abrogation
16 to the delivery of covered defense articles or defense serv-
17 ices described in such notification for a period of 12 cal-
18 endar days after the date of passage of the joint resolution
19 of disapproval, unless the President sooner vetoes the joint
20 resolution of disapproval.

21 (d) LIMITATION ON ACTIONS DURING CONGRES-
22 SIONAL RECONSIDERATION OF A JOINT RESOLUTION OF
23 DISAPPROVAL.—If the President vetoes the joint resolu-
24 tion of disapproval, the President may not take the action
25 described in such notification for a period of 10 calendar

1 days after the date of the President’s veto, unless the joint
2 resolution sooner fails of passage on reconsideration in ei-
3 ther House.

4 (e) EFFECT OF ENACTMENT OF A JOINT RESOLU-
5 TION OF DISAPPROVAL.—If a joint resolution of dis-
6 approval relating to notification described in section 4(b)
7 is enacted into law, the President may not take any action
8 relating to the pause, suspension, delay, or abrogation to
9 the delivery of covered defense articles or services to Israel
10 described in such notification for a period of 180 days,
11 at which point, the President must submit a new notifica-
12 tion relating to such action.

13 (f) JOINT RESOLUTIONS OF DISAPPROVAL.—

14 (1) DEFINITION.—In this section, the term
15 “joint resolution of disapproval” means only a joint
16 resolution of either House of Congress—

17 (A) the title of which is as follows: “A joint
18 resolution disapproving the President’s proposal
19 to pause, suspend, delay, or abrogate the deliv-
20 ery of covered defense articles or defense serv-
21 ices to Israel.”; and

22 (B) the sole matter after the resolving
23 clause of which is the following: “Congress dis-
24 approves of the action relating to pause, sus-
25 pend, delay, or abrogate the delivery of covered

1 defense articles or defense services to Israel
2 proposed by the President in the notification
3 described in section 4(b) of the Maintaining
4 Our Ironclad Commitment to Israel's Security
5 Act on _____ relating to _____,
6 with the first blank space being filled with the
7 appropriate date and the second blank space
8 being filled with a short description of the pro-
9 posed action.

10 (2) INTRODUCTION.—During the period of 15
11 calendar days provided for under subsection (b)(1),
12 a joint resolution of disapproval may be intro-
13 duced—

14 (A) in the House of Representatives, by
15 the majority leader or the minority leader; and

16 (B) in the Senate, by the majority leader
17 (or the majority leader's designee) or the mi-
18 nority leader (or the minority leader's des-
19 igned).

20 (3) FLOOR CONSIDERATION IN HOUSE OF REP-
21 RESENTATIVES.—

22 (A) REPORTING AND DISCHARGE.—If a
23 committee of the House of Representatives to
24 which a joint resolution of disapproval has been
25 referred has not reported the joint resolution

1 within 5 legislative days after the date of refer-
2 ral, that committee shall be discharged from
3 further consideration of the joint resolution.

4 (B) PROCEEDING TO CONSIDERATION.—
5 Beginning on the third legislative day after
6 each committee to which a joint resolution has
7 been referred reports the joint resolution to the
8 House or has been discharged from further con-
9 sideration thereof, it shall be in order to move
10 to proceed to consider the joint resolution in the
11 House. All points of order against the motion
12 are waived. Such a motion shall not be in order
13 after the House has disposed of a motion to
14 proceed on the joint resolution. The previous
15 question shall be considered as ordered on the
16 motion to its adoption without intervening mo-
17 tion. The motion shall not be debatable. A mo-
18 tion to reconsider the vote by which the motion
19 is disposed of shall not be in order.

20 (C) CONSIDERATION.—The joint resolution
21 shall be considered as read. All points of order
22 against the joint resolution and against its con-
23 sideration are waived. The previous question
24 shall be considered as ordered on the joint reso-
25 lution to final passage without intervening mo-

1 tion except 2 hours of debate equally divided
2 and controlled by the sponsor of the joint reso-
3 lution (or a designee) and an opponent. A mo-
4 tion to reconsider the vote on passage of the
5 joint resolution shall not be in order.

6 (4) CONSIDERATION IN THE SENATE.—

7 (A) COMMITTEE REFERRAL.—A joint reso-
8 lution of disapproval introduced in the Senate
9 shall be referred to the Committee on Foreign
10 Relations.

11 (B) REPORTING AND DISCHARGE.—If the
12 Committee on Foreign Relations has not re-
13 ported the joint resolution within 5 calendar
14 days after the date of referral of the joint reso-
15 lution, that committee shall be discharged from
16 further consideration of the joint resolution and
17 the joint resolution shall be placed on the ap-
18 propriate calendar.

19 (C) PROCEEDING TO CONSIDERATION.—
20 Notwithstanding Rule XXII of the Standing
21 Rules of the Senate, it is in order at any time
22 after the Committee on Foreign Relations re-
23 ports a joint resolution of disapproval to the
24 Senate or has been discharged from consider-
25 ation of such a joint resolution (even though a

1 previous motion to the same effect has been dis-
2 agreed to) to move to proceed to the consider-
3 ation of the joint resolution, and all points of
4 order against the joint resolution (and against
5 consideration of the joint resolution) are
6 waived. The motion to proceed is not debatable.
7 The motion is not subject to a motion to post-
8 pone. A motion to reconsider the vote by which
9 the motion is agreed to or disagreed to shall not
10 be in order.

11 (D) RULINGS OF THE CHAIR ON PROCE-
12 DURE.—Appeals from the decisions of the Chair
13 relating to the application of the rules of the
14 Senate, as the case may be, to the procedure re-
15 lating to a joint resolution of disapproval shall
16 be decided without debate.

17 (E) CONSIDERATION OF VETO MES-
18 SAGES.—Debate in the Senate of any veto mes-
19 sages with respect to a joint resolution of dis-
20 approval, including all debatable motions and
21 appeals in connection with the joint resolution,
22 shall be limited to 10 hours, to be equally di-
23 vided between, and controlled by, the majority
24 leader and the minority leader or their des-
25 ignees.

1 (5) RULES RELATING TO SENATE AND HOUSE
2 OF REPRESENTATIVES.—

3 (A) COORDINATION WITH ACTION BY
4 OTHER HOUSE.—If, before the passage by one
5 House of a joint resolution of that House, that
6 House receives a joint resolution from the other
7 House, then the following procedures shall
8 apply:

9 (i) The joint resolution of the other
10 House shall not be referred to a com-
11 mittee.

12 (ii) With respect to a joint resolution
13 of the House receiving the legislation—

14 (I) the procedure in that House
15 shall be the same as if no joint resolu-
16 tion had been received from the other
17 House; but

18 (II) the vote on passage shall be
19 on the joint resolution of the other
20 House.

21 (B) TREATMENT OF A JOINT RESOLUTION
22 OF OTHER HOUSE.—If one House fails to intro-
23 duce a joint resolution under this section, the
24 joint resolution of the other House shall be en-

1 titled to expedited floor procedures under this
2 section.

3 (C) TREATMENT OF COMPANION MEAS-
4 URES.—If, following passage of the joint resolu-
5 tion in the Senate, the Senate then receives a
6 companion measure from the House of Rep-
7 resentatives, the companion measure shall not
8 be debatable.

9 (D) APPLICATION TO REVENUE MEAS-
10 URES.—The provisions of this paragraph shall
11 not apply in the House of Representatives to a
12 joint resolution of disapproval that is a revenue
13 measure.

14 (6) RULES OF HOUSE OF REPRESENTATIVES
15 AND SENATE.—This subsection is enacted by Con-
16 gress—

17 (A) as an exercise of the rulemaking power
18 of the Senate and the House of Representa-
19 tives, respectively, and as such is deemed a part
20 of the rules of each House, respectively, and su-
21 persedes other rules only to the extent that it
22 is inconsistent with such rules; and

23 (B) with full recognition of the constitu-
24 tional right of either House to change the rules
25 (so far as relating to the procedure of that

1 House) at any time, in the same manner, and
2 to the same extent as in the case of any other
3 rule of that House.

4 **SEC. 6. COVERED DEFENSE ARTICLES AND DEFENSE SERV-**
5 **ICES DEFINED.**

6 In this Act, the term “covered defense articles and
7 defense services” means those defense articles and defense
8 services that are provided under any of the following au-
9 thorities:

10 (1) Section 3 of the Arms Export Control Act
11 (22 U.S.C. 2753).

12 (2) Section 36 of the Arms Export Control Act
13 (22 U.S.C. 2776).

14 (3) Section 506 of the Foreign Assistance Act
15 of 1961 (22 U.S.C. 2318).

16 (4) Section 614 of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2364).

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