

Calendar No. 463

116TH CONGRESS
2D SESSION

S. 3176

To amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2020

Mr. RUBIO (for himself, Mr. COONS, Ms. COLLINS, Mr. KAINE, Mr. BLUNT, Mr. JONES, Mrs. CAPITO, Ms. DUCKWORTH, Mr. TILLIS, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. MARKEY, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. CRAMER, Mr. YOUNG, Mr. HAWLEY, Mrs. SHAHEEN, Ms. HASSAN, Mrs. HYDE-SMITH, Mr. CARDIN, Mr. CASEY, Mr. WICKER, Mr. BOOKER, Mrs. LOEFFLER, Mrs. GILLIBRAND, Mr. PERDUE, Mr. WARNER, Mr. BRAUN, Mr. TESTER, Ms. SMITH, Mr. CORNYN, Ms. HIRONO, Mr. LANKFORD, Mr. SCOTT of South Carolina, Mr. MORAN, Mr. WYDEN, Mr. THUNE, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 3, 2020

Reported by Mr. RISCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “United States-Israel Security Assistance Authorization
 6 Act of 2020”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

TITLE I—SECURITY ASSISTANCE FOR ISRAEL

Sec. 101. Findings.

Sec. 102. Statement of policy.

Sec. 103. Security 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 Agency for International Development memoranda of
 understanding to enhance cooperation with Israel.

Sec. 202. Cooperative projects among the United States, Israel, and developing
 countries.

Sec. 203. Joint cooperative program related to innovation and high-tech for the
 Middle East region.

Sec. 204. Sense of Congress on United States-Israel economic cooperation.

Sec. 205. Cooperation on directed energy capabilities.

Sec. 206. Contingency plans to provide Israel with necessary defense articles
 and services.

9 **SEC. 2. DEFINITION.**

10 In this Act, the term “appropriate congressional com-
 11 mittees” means—

12 (1) the Committee on Foreign Relations of the
 13 Senate;

1 ~~(2) the Committee on Armed Services of the~~
2 ~~Senate;~~

3 ~~(3) the Committee on Foreign Affairs of the~~
4 ~~House of Representatives; and~~

5 ~~(4) the Committee on Armed Services of the~~
6 ~~House of Representatives.~~

7 **TITLE I—SECURITY ASSISTANCE**
8 **FOR ISRAEL**

9 ~~SEC. 101. FINDINGS.~~

10 Congress makes the following findings:

11 ~~(1) On September 14, 2016, the United States~~
12 ~~and Israel signed a 10-year Memorandum of Under-~~
13 ~~standing to reaffirm the importance of continuing~~
14 ~~annual United States military assistance to Israel~~
15 ~~and cooperative missile defense programs in a way~~
16 ~~that enhances Israel's security and strengthens the~~
17 ~~bilateral relationship between the 2 countries.~~

18 ~~(2) The 2016 Memorandum of Understanding~~
19 ~~reflects United States support of Foreign Military~~
20 ~~Financing grant assistance to Israel over a 10-year~~
21 ~~period beginning in fiscal year 2019 and ending in~~
22 ~~fiscal year 2028.~~

23 ~~(3) The 2016 Memorandum of Understanding~~
24 ~~also reflects United States support for funding for~~
25 ~~cooperative programs to develop, produce, and pro-~~

1 cure missile, rocket, and projectile defense capabili-
 2 ties during such 10-year period at an average fund-
 3 ing level of \$500,000,000 per year, totaling
 4 \$5,000,000,000 for such period.

5 **SEC. 102. STATEMENT OF POLICY.**

6 It is the policy of the United States to provide assist-
 7 ance to the Government of Israel to help Israel to defend
 8 itself by developing long-term capacity, primarily through
 9 the acquisition of advanced capabilities from the United
 10 States.

11 **SEC. 103. SECURITY ASSISTANCE FOR ISRAEL.**

12 Section 513(e) of the Security Assistance Act of 2000
 13 (Public Law 106–280, 114 Stat. 856) is amended—

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

17 (2) in paragraph (2), by striking “equal to—”
 18 and all that follows and inserting “not less than
 19 \$3,300,000,000.”; and

20 (3) by amending paragraph (3) to read as fol-
 21 lows:

22 “(3) **DISBURSEMENT OF FUNDS.**—Amounts au-
 23 thorized to be available for Israel under paragraph
 24 (1) and subsection (b)(1) for fiscal years 2020,
 25 2021, 2022, 2023, 2024, 2025, 2026, 2027, and

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS
 ACT, 2005.—Section 12001(d) of the Department of De-
 fense Appropriations Act, 2005 (Public Law 108-287;
 118 Stat. 1011) is amended by striking “more than 11
 years after the date of the enactment of this Act” and
 inserting “after September 30, 2025”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020” and inserting “2020, 2021, 2022, 2023, 2024, and 2025”.

Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 576) is amended under the heading “LOAN GUARANTEES TO ISRAEL”—

1 (1) in the matter preceding the first proviso, by
 2 striking “September 30, 2019” and inserting “Sep-
 3 tember 30, 2025”; and

4 (2) in the second proviso, by striking “Sep-
 5 tember 30, 2019” and inserting “September 30,
 6 2025”.

7 **SEC. 106. TRANSFER OF PRECISION GUIDED MUNITIONS TO**
 8 **ISRAEL.**

9 (a) IN GENERAL.—Notwithstanding section 514 of
 10 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
 11 the President is authorized to transfer to Israel precision
 12 guided munitions from reserve stocks for Israel in such
 13 quantities as may be necessary for legitimate self-defense
 14 of Israel and is otherwise consistent with the purposes and
 15 conditions for such transfers under the Arms Export Con-
 16 trol Act (22 U.S.C. 2751 et seq.).

17 (b) CERTIFICATIONS.—Except in case of emergency,
 18 as determined by the President, not later than 5 days be-
 19 fore making a transfer under subsection (a), the President
 20 shall certify to the appropriate congressional committees
 21 that the transfer of the precision guided munitions—

22 (1) does not affect the ability of the United
 23 States to maintain a sufficient supply of precision
 24 guided munitions;

1 (2) does not harm the combat readiness of the
 2 United States or the ability of the United States to
 3 meet its commitment to allies for the transfer of
 4 such munitions;

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

7 (4) is in the national security interest of the
 8 United States.

9 **SEC. 107. SENSE OF CONGRESS ON RAPID ACQUISITION**
 10 **AND DEPLOYMENT PROCEDURES.**

11 It is the sense of Congress that the President
 12 should—

13 (1) prescribe procedures for the rapid acquisi-
 14 tion and deployment of precision guided munitions
 15 for United States counterterrorism missions; or

16 (2) assist Israel, which is an ally of the United
 17 States, to protect itself against direct missile
 18 threats.

19 **SEC. 108. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC**
 20 **TRADE AUTHORIZATION EXCEPTION TO CER-**
 21 **TAIN EXPORT CONTROL LICENSING RE-**
 22 **QUIREMENTS.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) Israel has adopted high standards in the
 25 field of weapons export controls.

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

(3) Israel is a party to—

(A) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925 (commonly known as the “Geneva Protocol”); and

(B) the Convention on the Physical Protection of Nuclear Material, signed at Vienna and New York March 3, 1980.

(4) Section 6(b) of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8603 note) directs the President, consistent with the commitments of the United States under international agreements, to take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception under section 740.20(e)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, re-export, or in-country transfer of an item subject to controls under the Export Administration Regulations.

1 (b) REPORT ON ELIGIBILITY FOR STRATEGIC TRADE
2 AUTHORIZATION EXCEPTION.—

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of the enactment of this Act, the
5 President shall submit a report to the appropriate
6 congressional committees that describes the steps
7 taken to include Israel in the list of countries eligible
8 for the strategic trade authorization exception under
9 section 740.20(e)(1) of title 15, Code of Federal
10 Regulations, as required under section 6(b) of the
11 United States-Israel Strategic Partnership Act of
12 2014 (Public Law 113–296).

13 (2) FORM.—The report required under para-
14 graph (1) shall be submitted in unclassified form,
15 but may contain a classified annex.

16 **TITLE II—ENHANCED UNITED**
17 **STATES-ISRAEL COOPERATION**

18 **SEC. 201. UNITED STATES AGENCY FOR INTERNATIONAL**
19 **DEVELOPMENT MEMORANDA OF UNDER-**
20 **STANDING TO ENHANCE COOPERATION WITH**
21 **ISRAEL.**

22 (a) SENSE OF CONGRESS REGARDING USAID POL-
23 ICY.—It is the sense of Congress that the United States
24 Agency for International Development should cooperate
25 with Israel to advance common goals across a wide variety

1 of sectors, including energy, agriculture, food security, de-
 2 mocracy, human rights, governance, economic growth,
 3 trade, education, environment, global health, water, and
 4 sanitation.

5 (b) MEMORANDA OF UNDERSTANDING.—The Sec-
 6 retary of State, acting through the Administrator of the
 7 United States Agency for International Development, may
 8 enter into memoranda of understanding with Israel to ad-
 9 vance common goals on energy, agriculture, food security,
 10 democracy, human rights, governance, economic growth,
 11 trade, education, environment, global health, water, and
 12 sanitation, with a focus on strengthening mutual ties and
 13 cooperation with nations throughout the world.

14 **SEC. 202. COOPERATIVE PROJECTS AMONG THE UNITED**
 15 **STATES, ISRAEL, AND DEVELOPING COUN-**
 16 **TRIES.**

17 Section 106 of the Foreign Assistance Act of 1961
 18 (22 U.S.C. 2151d) is amended by striking subsection (e)
 19 and (f) and inserting the following:

20 “(e) There are authorized to be appropriated
 21 \$2,000,000 for each of the fiscal years 2020 through 2024
 22 to finance cooperative projects among the United States,
 23 Israel, and developing countries that identify and support
 24 local solutions to address sustainability challenges relating

1 to water resources, agriculture, and energy storage, in-
 2 cluding—

3 “(1) establishing public-private partnerships;

4 “(2) supporting the identification, research, de-
 5 velopment testing, and scaling of innovations that
 6 focus on populations that are vulnerable to environ-
 7 mental and resource-scarcity crises, such as subsist-
 8 ence farming communities;

9 “(3) seed or transition-to-scale funding, pub-
 10 licity and marketing promotional support, or
 11 mentorship and partnership brokering support; and

12 “(4) accelerating demonstrations or applications
 13 of local solutions to sustainability challenges, or the
 14 further refinement, testing, or implementation of in-
 15 novations that have previously effectively addressed
 16 sustainability challenges.”.

17 **SEC. 203. JOINT COOPERATIVE PROGRAM RELATED TO IN-**
 18 **NOVATION AND HIGH-TECH FOR THE MIDDLE**
 19 **EAST REGION.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
 21 gress that—

22 (1) the United States should help foster co-
 23 operation in the Middle East region by financing
 24 and, as appropriate, cooperating in projects related
 25 to innovation and advanced technologies; and

1 (2) projects referred to in paragraph (1)
2 should—

3 (A) contribute to development and the
4 quality of life in the Middle East region
5 through the application of research and ad-
6 vanced technology; and

7 (B) contribute to Arab-Israeli cooperation
8 by establishing strong working relationships
9 that last beyond the life of such projects.

10 (b) ESTABLISHMENT.—The Secretary of State, act-
11 ing through the Administrator of the United States Agen-
12 cy for International Development, is authorized to seek to
13 establish a program between the United States, Israel,
14 Egypt, Jordan, Morocco, Tunisia, Lebanon, and the West
15 Bank and Gaza Strip to provide for cooperation in the
16 Middle East region by financing and, as appropriate, co-
17 operating in projects related to innovation and advanced
18 technologies.

19 (c) PROJECT REQUIREMENTS.—Each project carried
20 out under the program established pursuant to subsection
21 (b)—

22 (1) shall include the participation of at least 1
23 entity from Israel and 1 entity of Egypt, Jordan,
24 Morocco, Tunisia, Lebanon, and the West Bank and
25 Gaza Strip; and

1 (2) should include participation from not fewer
2 than 3 or more such entities to the maximum extent
3 practicable.

4 **SEC. 204. SENSE OF CONGRESS ON UNITED STATES-ISRAEL**
5 **ECONOMIC COOPERATION.**

6 It is the sense of Congress that—

7 (1) the United States-Israel economic partner-
8 ship—

9 (A) has achieved great tangible and intan-
10 gible benefits to both countries; and

11 (B) is a foundational component of the
12 strong alliance;

13 (2) science and technology innovations present
14 promising new frontiers for United States-Israel eco-
15 nomic cooperation, particularly in light of wide-
16 spread drought, cybersecurity attacks, and other
17 major challenges impacting the United States; and

18 (3) the President should regularize and expand
19 existing forums of economic dialogue with Israel and
20 foster both public and private sector participation.

21 **SEC. 205. COOPERATION ON DIRECTED ENERGY CAPABILI-**
22 **TIES.**

23 (a) AUTHORITY.—

24 (1) IN GENERAL.—The Secretary of Defense,
25 upon a request from the Ministry of Defense of

1 Israel, and with the concurrence of the Secretary of
2 State, is authorized to carry out research, develop-
3 ment, test, and evaluation activities, on a joint basis
4 with Israel, to establish directed energy capabilities
5 that address threats to the United States, deployed
6 forces of the United States, or Israel. Any activities
7 carried out under this paragraph shall be conducted
8 in a manner that appropriately protects sensitive in-
9 formation, the national security interests of the
10 United States, and the national security interests of
11 Israel.

12 ~~(2)~~ REPORT.—The activities described in para-
13 graph ~~(1)~~ may be carried out after the Secretary of
14 Defense submits a report to the appropriate congres-
15 sional committees that includes—

16 ~~(A)~~ a memorandum of agreement between
17 the United States and Israel regarding sharing
18 of research and development costs for the capa-
19 bilities described in paragraph ~~(1)~~, and any
20 supporting documents; and

21 ~~(B)~~ a certification that the memorandum
22 of agreement referred to in subparagraph ~~(A)~~—

23 (i) requires sharing of costs of
24 projects, including in-kind support, be-
25 tween the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including—

(I) a description of what the funds have been used for and when funds were expended; and

(II) the identification of entities that expended such funds.

~~(b) SUPPORT IN CONNECTION WITH ACTIVITIES.—~~

~~(1) IN GENERAL.—~~The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the directed energy capabilities research, development, test, and evaluation activities authorized under subsection (a)(1), including the installation of equipment that is necessary to carry out such research, development, test, and evaluation.

~~(2) REPORT.—~~The support described in paragraph (1) may not be provided until 15 days after the Secretary of Defense submits a report to the ap-

1 appropriate congressional committees that describes in
2 detail the support to be provided.

3 ~~(3) MATCHING CONTRIBUTION.~~—The support
4 described in paragraph ~~(1)~~ may not be provided un-
5 less the Secretary of Defense certifies to the appro-
6 priate congressional committees that the Govern-
7 ment of Israel will contribute to such support—

8 (A) an amount equal to not less than the
9 amount of support to be so provided; or

10 (B) an amount that otherwise meets the
11 best efforts of Israel, as mutually agreed to by
12 the United States and Israel.

13 ~~(c) LEAD AGENCY.~~—The Secretary of Defense shall
14 designate an appropriate research and development entity
15 of a military department as the lead agency of the Depart-
16 ment of Defense in carrying out this section.

17 ~~(d) SEMIANNUAL REPORT.~~—The Secretary of De-
18 fense shall submit a semiannual report to the appropriate
19 congressional committees that includes the most recent
20 semiannual report provided by the Government of Israel
21 to the Department of Defense pursuant to subsection
22 ~~(a)(2)(B)(iii).~~

1 **SEC. 206. CONTINGENCY PLANS TO PROVIDE ISRAEL WITH**
 2 **NECESSARY DEFENSE ARTICLES AND SERV-**
 3 **ICES.**

4 (a) **IN GENERAL.**—The President, acting through the
 5 Secretary of Defense and in consultation with the Sec-
 6 retary of State, shall establish and update, as appropriate,
 7 contingency plans to provide Israel with defense articles
 8 and services that are determined by the Secretary of De-
 9 fense to be necessary for the defense of Israel.

10 (b) **CONGRESSIONAL BRIEFING.**—Not later than 1
 11 year after the date of the enactment of this Act, and annu-
 12 ally thereafter, the Secretary of Defense, in consultation
 13 with the Secretary of State, shall brief the appropriate
 14 congressional committees regarding the status of the con-
 15 tingency plans required under subsection (a).

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

17 (a) **SHORT TITLE.**—*This Act may be cited as the*
 18 *“United States-Israel Security Assistance Authorization*
 19 *Act of 2020”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

TITLE I—SECURITY ASSISTANCE FOR ISRAEL

Sec. 101. Findings.

Sec. 102. Statement of policy.

Sec. 103. Security 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 Agency for International Development memoranda of understanding to enhance cooperation with Israel.

Sec. 202. Cooperative projects among the United States, Israel, and developing countries.

Sec. 203. Joint cooperative program related to innovation and high-tech for the Middle East region.

Sec. 204. Sense of Congress on United States-Israel economic cooperation.

Sec. 205. Cooperation on directed energy capabilities.

Sec. 206. Contingency plans to provide Israel with necessary defense articles and services.

Sec. 207. Other matters of cooperation.

1 *SEC. 2. DEFINITION.*

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

4 *(1) the Committee on Foreign Relations of the*
5 *Senate;*

6 *(2) the Committee on Armed Services of the Sen-*
7 *ate;*

8 *(3) the Committee on Foreign Affairs of the*
9 *House of Representatives; and*

10 *(4) the Committee on Armed Services of the*
11 *House of Representatives.*

12 *TITLE I—SECURITY ASSISTANCE* 13 ***FOR ISRAEL***

14 *SEC. 101. FINDINGS.*

15 *Congress makes the following findings:*

16 *(1) On September 14, 2016, the United States*
17 *and Israel signed a 10-year Memorandum of Under-*

1 *standing to reaffirm the importance of continuing an-*
2 *nuual United States military assistance to Israel and*
3 *cooperative missile defense programs in a way that*
4 *enhances Israel's security and strengthens the bilat-*
5 *eral relationship between the 2 countries.*

6 *(2) The 2016 Memorandum of Understanding re-*
7 *flects United States support of Foreign Military Fi-*
8 *nancing grant assistance to Israel over a 10-year pe-*
9 *riod beginning in fiscal year 2019 and ending in fis-*
10 *cal year 2028.*

11 *(3) The 2016 Memorandum of Understanding*
12 *also reflects United States support for funding for co-*
13 *operative programs to develop, produce, and procure*
14 *missile, rocket, and projectile defense capabilities dur-*
15 *ing such 10-year period at an average funding level*
16 *of \$500,000,000 per year, totaling \$5,000,000,000 for*
17 *such period.*

18 **SEC. 102. STATEMENT OF POLICY.**

19 *It is the policy of the United States to provide assist-*
20 *ance to the Government of Israel for the development and*
21 *acquisition of advanced capabilities that Israel requires to*
22 *meet its security needs and to enhance United States capa-*
23 *bilities.*

1 **SEC. 103. SECURITY ASSISTANCE FOR ISRAEL.**

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

4 *(1) in paragraph (1), by striking “2002 and*
 5 *2003” and inserting “2021, 2022, 2023, 2024, 2025,*
 6 *2026, 2027, and 2028”;*

7 *(2) in paragraph (2), by striking “equal to—”*
 8 *and all that follows and inserting “not less than*
 9 *\$3,300,000,000.”; and*

10 *(3) by amending paragraph (3) to read as fol-*
 11 *lows:*

12 *“(3) DISBURSEMENT OF FUNDS.—Amounts au-*
 13 *thorized to be available for Israel under paragraph*
 14 *(1) and subsection (b)(1) for fiscal years 2021, 2022,*
 15 *2023, 2024, 2025, 2026, 2027, and 2028 shall be dis-*
 16 *bursed not later than 30 days after the date of the en-*
 17 *actment of an Act making appropriations for the De-*
 18 *partment of State, foreign operations, and related*
 19 *programs for the respective fiscal year, or October 31*
 20 *of the respective fiscal year, whichever is later.”.*

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

23 *(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT,*
 24 *2005.—Section 12001(d) of the Department of Defense Ap-*
 25 *propriations Act, 2005 (Public Law 108–287; 118 Stat.*

1 1011) is amended by striking “September 30, 2020” and
 2 inserting “after September 30, 2025”.

3 (b) *FOREIGN ASSISTANCE ACT OF 1961*.—Section
 4 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22
 5 U.S.C. 2321h(b)(2)(A)) is amended by striking “2013,
 6 2014, 2015, 2016, 2017, 2018, 2019, and 2020” and insert-
 7 ing “2021, 2022, 2023, 2024, and 2025”.

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

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

13 (1) in the matter preceding the first proviso, by
 14 striking “September 30, 2023” and inserting “Sep-
 15 tember 30, 2025”; and

16 (2) in the second proviso, by striking “September
 17 30, 2023” and inserting “September 30, 2025”.

18 **SEC. 106. TRANSFER OF PRECISION GUIDED MUNITIONS TO**
 19 **ISRAEL.**

20 (a) *IN GENERAL*.—Notwithstanding section 514 of the
 21 Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the
 22 President is authorized to transfer to Israel precision guid-
 23 ed munitions from reserve stocks for Israel in such quan-
 24 tities as may be necessary for legitimate self-defense of
 25 Israel and is otherwise consistent with the purposes and

1 *conditions for such transfers under the Arms Export Con-*
 2 *trol Act (22 U.S.C. 2751 et seq.).*

3 *(b) CERTIFICATIONS.—Except in case of emergency, as*
 4 *determined by the President, not later than 5 days before*
 5 *making a transfer under subsection (a), the President shall*
 6 *certify to the appropriate congressional committees that the*
 7 *transfer of the precision guided munitions—*

8 *(1) does not affect the ability of the United*
 9 *States to maintain a sufficient supply of precision*
 10 *guided munitions;*

11 *(2) does not harm the combat readiness of the*
 12 *United States or the ability of the United States to*
 13 *meet its commitment to allies for the transfer of such*
 14 *munitions;*

15 *(3) is necessary for Israel to counter the threat*
 16 *of rockets in a timely fashion; and*

17 *(4) is in the national security interest of the*
 18 *United States.*

19 **SEC. 107. SENSE OF CONGRESS ON RAPID ACQUISITION**
 20 **AND DEPLOYMENT PROCEDURES.**

21 *It is the sense of Congress that the President should—*

22 *(1) prescribe procedures for the rapid acquisition*
 23 *and deployment of precision guided munitions for*
 24 *United States counterterrorism missions; or*

1 (2) *assist Israel, which is an ally of the United*
 2 *States, to protect itself against direct missile threats.*

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

7 (a) *FINDINGS.—Congress finds the following:*

8 (1) *Israel has adopted high standards in the field*
 9 *of weapons export controls.*

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

13 (3) *Israel is a party to—*

14 (A) *the Protocol for the Prohibition of the*
 15 *Use in War of Asphyxiating, Poisonous or Other*
 16 *Gases, and of Bacteriological Methods of War-*
 17 *fare, signed at Geneva June 17, 1925 (commonly*
 18 *known as the “Geneva Protocol”);*

19 (B) *the Convention on the Physical Protec-*
 20 *tion of Nuclear Material, signed at Vienna and*
 21 *New York March 3, 1980; and*

22 (C) *the Convention on Prohibitions or Re-*
 23 *strictions on the Use of Certain Conventional*
 24 *Weapons Which may be Deemed to be Exces-*

1 *sively Injurious or to Have Indiscriminate Ef-*
 2 *fects, signed at Geneva October 10, 1980.*

3 *(4) Section 6(b) of the United States-Israel Stra-*
 4 *tegic Partnership Act of 2014 (22 U.S.C. 8603 note)*
 5 *directs the President, consistent with the commitments*
 6 *of the United States under international agreements,*
 7 *to take steps so that Israel may be included in the list*
 8 *of countries eligible for the strategic trade authoriza-*
 9 *tion exception under section 740.20(c)(1) of title 15,*
 10 *Code of Federal Regulations, to the requirement for a*
 11 *license for the export, re-export, or in-country transfer*
 12 *of an item subject to controls under the Export Ad-*
 13 *ministration Regulations.*

14 ***(b) BRIEFING ON ELIGIBILITY FOR STRATEGIC TRADE***
 15 ***AUTHORIZATION EXCEPTION.—****Not later than 120 days*
 16 *after the date of the enactment of this Act, the President*
 17 *shall brief the appropriate congressional committees by de-*
 18 *scribing the steps taken to include Israel in the list of coun-*
 19 *tries eligible for the strategic trade authorization exception*
 20 *under section 740.20(c)(1) of title 15, Code of Federal Regu-*
 21 *lations, as required under section 6(b) of the United States-*
 22 *Israel Strategic Partnership Act of 2014 (Public Law 113–*
 23 *296).*

1 **TITLE II—ENHANCED UNITED**
 2 **STATES-ISRAEL COOPERATION**

3 **SEC. 201. UNITED STATES AGENCY FOR INTERNATIONAL**
 4 **DEVELOPMENT MEMORANDA OF UNDER-**
 5 **STANDING TO ENHANCE COOPERATION WITH**
 6 **ISRAEL.**

7 (a) *FINDINGS.*—Congress finds that the United States
 8 Agency for International Development and Israel’s Agency
 9 for International Development Cooperation signed memo-
 10 randa of understanding in 2012, 2017, and 2019 to coordi-
 11 nate the agencies’ respective efforts to promote common de-
 12 velopment goals in third countries.

13 (b) *SENSE OF CONGRESS REGARDING USAID POL-*
 14 *ICY.*—It is the sense of Congress that the Department of
 15 State and the United States Agency for International De-
 16 velopment should continue to cooperate with Israel to ad-
 17 vance common development goals in third countries across
 18 a wide variety of sectors, including energy, agriculture, food
 19 security, democracy, human rights, governance, economic
 20 growth, trade, education, environment, global health, water,
 21 and sanitation.

22 (c) *MEMORANDA OF UNDERSTANDING.*—The Secretary
 23 of State, acting through the Administrator of the United
 24 States Agency for International Development, may enter
 25 into memoranda of understanding with Israel to advance

1 *common goals on energy, agriculture, food security, democ-*
 2 *racy, human rights, governance, economic growth, trade,*
 3 *education, environment, global health, water, and sanita-*
 4 *tion, with a focus on strengthening mutual ties and co-*
 5 *operation with nations throughout the world.*

6 **SEC. 202. COOPERATIVE PROJECTS AMONG THE UNITED**
 7 **STATES, ISRAEL, AND DEVELOPING COUN-**
 8 **TRIES.**

9 *Section 106 of the Foreign Assistance Act of 1961 (22*
 10 *U.S.C. 2151d) is amended by striking subsections (e) and*
 11 *(f) and inserting the following:*

12 *“(e) There are authorized to be appropriated*
 13 *\$2,000,000 for each of the fiscal years 2021 through 2025*
 14 *to finance cooperative projects among the United States,*
 15 *Israel, and developing countries that identify and support*
 16 *local solutions to address sustainability challenges relating*
 17 *to water resources, agriculture, and energy storage, includ-*
 18 *ing—*

19 *“(1) establishing public-private partnerships;*

20 *“(2) supporting the identification, research, de-*
 21 *velopment testing, and scaling of innovations that*
 22 *focus on populations that are vulnerable to environ-*
 23 *mental and resource-scarcity crises, such as subsist-*
 24 *ence farming communities;*

25 *“(3) seed or transition-to-scale funding;*

1 “(4) clear and appropriate branding and mark-
 2 ing of United States funded assistance, in accordance
 3 with section 641; and

4 “(5) accelerating demonstrations or applications
 5 of local solutions to sustainability challenges, or the
 6 further refinement, testing, or implementation of in-
 7 novations that have previously effectively addressed
 8 sustainability challenges.

9 “(f) Amounts appropriated pursuant to subsection (e)
 10 shall be obligated in accordance with the memoranda of un-
 11 derstanding referred to in subsections (a) and (c) of section
 12 201 of the United States-Israel Security Assistance Author-
 13 ization Act of 2020”.

14 **SEC. 203. JOINT COOPERATIVE PROGRAM RELATED TO IN-**
 15 **NOVATION AND HIGH-TECH FOR THE MIDDLE**
 16 **EAST REGION.**

17 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
 18 that—

19 (1) the United States should help foster coopera-
 20 tion in the Middle East region by financing and, as
 21 appropriate, cooperating in projects related to inno-
 22 vation and advanced technologies; and

23 (2) projects referred to in paragraph (1)
 24 should—

1 (A) contribute to development and the qual-
2 ity of life in the Middle East region through the
3 application of research and advanced technology;
4 and

5 (B) contribute to Arab-Israeli cooperation
6 by establishing strong working relationships that
7 last beyond the life of such projects.

8 (b) *ESTABLISHMENT.*—The Secretary of State, acting
9 through the Administrator of the United States Agency for
10 International Development, is authorized to seek to establish
11 a program between the United States and appropriate re-
12 gional partners to provide for cooperation in the Middle
13 East region by supporting projects related to innovation
14 and advanced technologies.

15 (c) *PROJECT REQUIREMENTS.*—Each project carried
16 out under the program established pursuant to subsection
17 (b)—

18 (1) shall include the participation of at least 1
19 entity from Israel and 1 entity from another regional
20 partner; and

21 (2) shall be conducted in a manner that appro-
22 priately protects sensitive information, intellectual
23 property, the national security interests of the United
24 States, and the national security interests of Israel.

1 **SEC. 204. SENSE OF CONGRESS ON UNITED STATES-ISRAEL**
 2 **ECONOMIC COOPERATION.**

3 *It is the sense of Congress that—*

4 *(1) the United States-Israel economic partner-*
 5 *ship—*

6 *(A) has achieved great tangible and intan-*
 7 *gible benefits to both countries; and*

8 *(B) is a foundational component of the*
 9 *strong alliance;*

10 *(2) science and technology innovations present*
 11 *promising new frontiers for United States-Israel eco-*
 12 *nom ic cooperation, particularly in light of wide-*
 13 *spread drought, cybersecurity attacks, and other*
 14 *major challenges impacting the United States; and*

15 *(3) the President should regularize and expand*
 16 *existing forums of economic dialogue with Israel and*
 17 *foster both public and private sector participation.*

18 **SEC. 205. COOPERATION ON DIRECTED ENERGY CAPABILI-**
 19 **TIES.**

20 *(a) AUTHORITY.—*

21 *(1) IN GENERAL.—The Secretary of State is au-*
 22 *thorized to carry out research, development, test, and*
 23 *evaluation activities, on a joint basis with Israel, to*
 24 *establish directed energy capabilities that address*
 25 *threats to the United States, deployed forces of the*
 26 *United States, or Israel. Any activities carried out*

1 *under this paragraph shall be conducted in a manner*
2 *that appropriately protects sensitive information, in-*
3 *tellectual property, the national security interests of*
4 *the United States, and the national security interests*
5 *of Israel.*

6 (2) *REPORT.—The activities described in para-*
7 *graph (1) may be carried out after the Secretary of*
8 *State submits a report to the appropriate congres-*
9 *sional committees that includes—*

10 (A) *a memorandum of agreement between*
11 *the United States and Israel regarding sharing*
12 *of research and development costs for the capa-*
13 *bilities described in paragraph (1), and any sup-*
14 *porting documents; and*

15 (B) *a certification that the memorandum of*
16 *agreement referred to in subparagraph (A)—*

17 (i) *requires sharing of costs of projects,*
18 *including in-kind support, between the*
19 *United States and Israel;*

20 (ii) *establishes a framework to nego-*
21 *tiate the rights to any intellectual property*
22 *developed under the memorandum of agree-*
23 *ment; and*

24 (iii) *requires the United States Gov-*
25 *ernment to receive semiannual reports on*

1 *expenditure of funds, if any, by the Govern-*
 2 *ment of Israel, including—*

3 (I) *a description of what the*
 4 *funds have been used for and when*
 5 *funds were expended; and*

6 (II) *the identification of entities*
 7 *that expended such funds.*

8 (b) *SUPPORT IN CONNECTION WITH ACTIVITIES.—*

9 (1) *IN GENERAL.—The Secretary of State is au-*
 10 *thorized to provide maintenance and sustainment*
 11 *support to Israel for the directed energy capabilities*
 12 *research, development, test, and evaluation activities*
 13 *authorized under subsection (a)(1), including the in-*
 14 *stallation of equipment that is necessary to carry out*
 15 *such research, development, test, and evaluation.*

16 (2) *REPORT.—The support described in para-*
 17 *graph (1) may not be provided until 15 days after the*
 18 *date on which the Secretary of State submits a report*
 19 *to the appropriate congressional committees that de-*
 20 *scribes in detail the support to be provided.*

21 (3) *MATCHING CONTRIBUTION.—The support de-*
 22 *scribed in paragraph (1) may not be provided unless*
 23 *the Secretary of State certifies to the appropriate con-*
 24 *gressional committees that the Government of Israel*
 25 *will contribute to such support—*

1 (A) *an amount not less than the amount of*
 2 *support to be so provided; or*

3 (B) *an amount that otherwise meets the best*
 4 *efforts of Israel, as mutually agreed to by the*
 5 *United States and Israel.*

6 (c) *LEAD AGENCY.*—*The Secretary of State shall des-*
 7 *ignate an appropriate research and development entity as*
 8 *the lead agency of the Department of State in carrying out*
 9 *this section.*

10 (d) *SEMIANNUAL REPORT.*—*The Secretary of State*
 11 *shall submit a semiannual report to the appropriate con-*
 12 *gressional committees that includes the most recent semi-*
 13 *annual report provided by the Government of Israel to the*
 14 *Department of State.*

15 **SEC. 206. PLANS TO PROVIDE ISRAEL WITH NECESSARY DE-**
 16 **FENSE ARTICLES AND SERVICES IN A CON-**
 17 **TINGENCY.**

18 (a) *IN GENERAL.*—*The President shall establish and*
 19 *update, as appropriate, plans to provide Israel with defense*
 20 *articles and services that are determined by the Secretary*
 21 *of Defense to be necessary for the defense of Israel in a con-*
 22 *tingency.*

23 (b) *CONGRESSIONAL BRIEFING.*—*Not later than 1 year*
 24 *after the date of the enactment of this Act, and annually*
 25 *thereafter, the President shall brief the appropriate congres-*

1 sional committees regarding the status of the plans required
 2 under subsection (a).

3 **SEC. 207. OTHER MATTERS OF COOPERATION.**

4 (a) *IN GENERAL.*—Activities authorized under this
 5 section shall be carried out with the concurrence of the Sec-
 6 retary of State and aligned with the National Security
 7 Strategy of the United States, the United States Govern-
 8 ment Global Health Security Strategy, the Department of
 9 State Integrated Country Strategies, the USAID Country
 10 Development Cooperation Strategies, and any equivalent or
 11 successor plans or strategies, as necessary and appropriate

12 (b) *DEVELOPMENT OF HEALTH TECHNOLOGIES.*—

13 (1) *IN GENERAL.*—There is authorized to be ap-
 14 propriated to the Secretary of Health and Human
 15 Services \$4,000,000 for each of the fiscal years 2021
 16 through 2023 for a bilateral cooperative program with
 17 the Government of Israel that awards grants for the
 18 development of health technologies, including health
 19 technologies listed in paragraph (2), subject to para-
 20 graph (3), with an emphasis on collaboratively ad-
 21 vancing the use of technology and personalized medi-
 22 cine in relation to COVID–19.

23 (2) *TYPES OF HEALTH TECHNOLOGIES.*—The
 24 health technologies described in this paragraph may
 25 include technologies such as sensors, drugs and vac-

1 *cinations, respiratory assist devices, diagnostic tests,*
 2 *and telemedicine.*

3 (3) *RESTRICTIONS ON FUNDING.—Amounts ap-*
 4 *propriated pursuant to paragraph (1) are subject to*
 5 *a matching contribution from the Government of*
 6 *Israel.*

7 (4) *OPTION FOR ESTABLISHING NEW PRO-*
 8 *GRAM.—Amounts appropriated pursuant to para-*
 9 *graph (1) may be expended for a bilateral program*
 10 *with the Government of Israel that—*

11 (A) *is in existence on the day before the*
 12 *date of the enactment of this Act for the purposes*
 13 *described in paragraph (1); or*

14 (B) *is established after the date of the enact-*
 15 *ment of this Act by the Secretary of Health and*
 16 *Human Services, in consultation with the Sec-*
 17 *retary of State, in accordance with the Agree-*
 18 *ment between the Government of the United*
 19 *States of America and the Government of the*
 20 *State of Israel on Cooperation in Science and*
 21 *Technology for Homeland Security Matters, done*
 22 *at Jerusalem May 29, 2008 (or a successor*
 23 *agreement), for the purposes described in para-*
 24 *graph (1).*

1 (c) *COORDINATOR OF UNITED STATES-ISRAEL RE-*
 2 *SEARCH AND DEVELOPMENT.*—

3 (1) *IN GENERAL.*—*The President may designate*
 4 *the Assistant Secretary of State for the Bureau of*
 5 *Oceans and International Environmental and Sci-*
 6 *entific Affairs, or another appropriate Department of*
 7 *State official, to act as Coordinator of United States-*
 8 *Israel Research and Development (referred to in this*
 9 *subsection as the “Coordinator”).*

10 (2) *AUTHORITIES AND DUTIES.*—*The Coordi-*
 11 *nator, in conjunction with the heads of relevant Fed-*
 12 *eral Government departments and agencies and in co-*
 13 *ordination with the Israel Innovation Authority, may*
 14 *oversee civilian science and technology programs on a*
 15 *joint basis with Israel.*

16 (d) *OFFICE OF GLOBAL POLICY AND STRATEGY OF*
 17 *THE FOOD AND DRUG ADMINISTRATION.*—

18 (1) *IN GENERAL.*—*It is the sense of Congress*
 19 *that the Commissioner of the Food and Drug Admin-*
 20 *istration should seek to explore collaboration with*
 21 *Israel through the Office of Global Policy and Strat-*
 22 *egy.*

23 (2) *REPORT.*—*Not later than 1 year after the*
 24 *date of the enactment of this Act, the Commissioner,*
 25 *acting through the head of the Office of Global Policy*

1 *and Strategy, shall submit a report describing the*
 2 *benefits to the United States and to Israel of opening*
 3 *an office in Israel for the Office of Global Policy and*
 4 *Strategy to—*

5 *(A) the Committee on Foreign Relations of*
 6 *the Senate;*

7 *(B) the Committee on Health, Education,*
 8 *Labor, and Pensions of the Senate;*

9 *(C) the Committee on Foreign Affairs of the*
 10 *House of Representatives; and*

11 *(D) the Committee on Energy and Com-*
 12 *merce of the House of Representatives.*

13 *(e) UNITED STATES–ISRAEL ENERGY CENTER.—There*
 14 *is authorized to be appropriated to the Secretary of Energy*
 15 *\$4,000,000 for each of the fiscal years 2021 through 2023*
 16 *to carry out the activities of the United States-Israel En-*
 17 *ergy Center established pursuant to section 917(d) of the*
 18 *Energy Independence and Security Act of 2007 (42 U.S.C.*
 19 *17337(d)).*

20 *(f) UNITED STATES–ISRAEL BINATIONAL INDUSTRIAL*
 21 *RESEARCH AND DEVELOPMENT FOUNDATION.—It is the*
 22 *sense of Congress that grants to promote covered energy*
 23 *projects conducted by, or in conjunction with, the United*
 24 *States-Israel Binational Industrial Research and Develop-*
 25 *ment Foundation should be funded at not less than*

1 \$2,000,000 annually under section 917(b) of the Energy
 2 Independence and Security Act of 2007 (42 U.S.C.
 3 17337(b)).

4 (g) UNITED STATES–ISRAEL COOPERATION ON EN-
 5 ERGY, WATER, HOMELAND SECURITY, AGRICULTURE, AND
 6 ALTERNATIVE FUEL TECHNOLOGIES.—Section 7 of the
 7 United States-Israel Strategic Partnership Act of 2014 (22
 8 U.S.C. 8606) is amended by adding at the end the following:

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 10 are authorized to be appropriated to carry out this section
 11 \$2,000,000 for each of the fiscal years 2021 through 2023.”.

12 (h) ANNUAL POLICY DIALOGUE.—It is the sense of
 13 Congress that the Department of Transportation and
 14 Israel’s Ministry of Transportation should engage in an an-
 15 nual policy dialogue to implement the 2016 Memorandum
 16 of Cooperation signed by the Secretary of Transportation
 17 and the Israeli Minister of Transportation.

18 (i) COOPERATION ON SPACE EXPLORATION AND
 19 SCIENCE INITIATIVES.—The Administrator of the National
 20 Aeronautics and Space Administration shall continue to
 21 work with the Israel Space Agency to identify and coopera-
 22 tively pursue peaceful space exploration and science initia-
 23 tives in areas of mutual interest, taking all appropriate
 24 measures to protect sensitive information, intellectual prop-

erty, trade secrets, and economic interests of the United States.

(j) *RESEARCH AND DEVELOPMENT COOPERATION RELATING TO DESALINATION TECHNOLOGY.*—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit a report that describes research and development cooperation with international partners, such as the State of Israel, in the area of desalination technology in accordance with section 9(b)(3) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) to—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Energy and Natural Resources of the Senate;

(3) the Committee on Foreign Affairs of the House of Representatives; and

(4) the Committee on Natural Resources of the House of Representatives.

(k) *RESEARCH AND TREATMENT OF POSTTRAUMATIC STRESS DISORDER.*—It is the sense of Congress that the Secretary of Veterans Affairs should seek to explore collaboration between the Mental Illness Research, Education and Clinical Centers of Excellence and Israeli institutions with

- 1 *expertise in researching and treating posttraumatic stress*
- 2 *disorder.*

Calendar No. 463

116TH CONGRESS
2^D Session

S. 3176

A BILL

To amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

JUNE 3, 2020

Reported with an amendment