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

Mr. RUBIO (for himself and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on

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”.

907 XF BPS
(b) TABLE OF CONTENTS.—The table of contents for 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. 2. DEFINITION.

In this Act, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;
(2) the Committee on Armed Services of the Senate
(3) the Committee on Foreign Affairs of the House of Representatives; and
(4) the Committee on Armed Services of the House of Representatives.
TITLE I—SECURITY ASSISTANCE
FOR ISRAEL

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) On September 14, 2016, the United States and Israel signed a 10-year Memorandum of Understanding to reaffirm the importance of continuing annual United States military assistance to Israel and cooperative missile defense programs in a way that enhances Israel’s security and strengthens the bilateral relationship between the 2 countries.

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

(3) The 2016 Memorandum of Understanding also reflects United States support for funding for cooperative programs to develop, produce, and procure missile, rocket, and projectile defense capabilities during such 10-year period at an average funding level of $500,000,000 per year, totaling $5,000,000,000 for such period.
SEC. 102. STATEMENT OF POLICY.

It is the policy of the United States to provide assistance to the Government of Israel to help Israel to defend itself by developing long-term capacity, primarily through the acquisition of advanced capabilities from the United States.

SEC. 103. SECURITY ASSISTANCE FOR ISRAEL.

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

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

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

(3) by amending paragraph (3) to read as follows:

“(3) DISBURSEMENT OF FUNDS.—Amounts authorized to be available for Israel under paragraph (1) and subsection (b)(1) for fiscal years 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for the respective fiscal
year, or October 31 of the respective fiscal year, whichever is later.”.

SEC. 104. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense 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”.


SEC. 105. EXTENSION OF LOAN GUARANTEES TO ISRAEL.

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) in the matter preceding the first proviso, by striking “September 30, 2019” and inserting “September 30, 2025”; and
(2) in the second proviso, by striking “September 30, 2019” and inserting “September 30, 2025”.

SEC. 106. TRANSFER OF PRECISION GUIDED MUNITIONS TO ISRAEL.

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

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

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

(2) does not harm the combat readiness of the United States or the ability of the United States to meet its commitment to allies for the transfer of such munitions;
(3) is necessary for Israel to counter the threat of rockets in a timely fashion; and
(4) is in the national security interest of the United States.

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

It is the sense of Congress that the President should—

(1) prescribe procedures for the rapid acquisition and deployment of precision guided munitions for United States counterterrorism missions; or
(2) assist Israel, which is an ally of the United States, to protect itself against direct missile threats.

SEC. 108. ELIGIBILITY OF ISRAEL FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Israel has adopted high standards in the 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.

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

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

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

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

**SEC. 201. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MEMORANDA OF UNDERSTANDING TO ENHANCE COOPERATION WITH ISRAEL.**

(a) Sense of Congress Regarding USAID Policy.—It is the sense of Congress that the United States Agency for International Development should cooperate with Israel to advance common goals across a wide variety of sectors, including energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation.
(b) MEMORANDA OF UNDERSTANDING.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, may enter into memoranda of understanding with Israel to advance common goals on energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation, with a focus on strengthening mutual ties and cooperation with nations throughout the world.

SEC. 202. COOPERATIVE PROJECTS AMONG THE UNITED STATES, ISRAEL, AND DEVELOPING COUNTRIES.

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

“(e) There are authorized to be appropriated $2,000,000 for each of the fiscal years 2020 through 2024 to finance cooperative projects among the United States, Israel, and developing countries that identify and support local solutions to address sustainability challenges relating to water resources, agriculture, and energy storage, including—

“(1) establishing public-private partnerships;

“(2) supporting the identification, research, development testing, and scaling of innovations that
focus on populations that are vulnerable to environmental and resource-scarcity crises, such as subsistence farming communities;

“(3) seed or transition-to-scale funding, publicity and marketing promotional support, or mentorship and partnership brokering support; and

“(4) accelerating demonstrations or applications of local solutions to sustainability challenges, or the further refinement, testing, or implementation of innovations that have previously effectively addressed sustainability challenges.”.

SEC. 203. JOINT COOPERATIVE PROGRAM RELATED TO INNOVATION AND HIGH-TECH FOR THE MIDDLE EAST REGION.

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

(1) the United States should help foster cooperation in the Middle East region by financing and, as appropriate, cooperating in projects related to innovation and advanced technologies; and

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

(A) contribute to development and the quality of life in the Middle East region
through the application of research and advanced technology; and

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

(b) E STABLISHMENT.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, is authorized to seek to establish a program between the United States, Israel, Egypt, Jordan, Morocco, Tunisia, Lebanon, and the West Bank and Gaza Strip to provide for cooperation in the Middle East region by financing and, as appropriate, cooperating in projects related to innovation and advanced technologies.

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

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

(2) should include participation from not fewer than 3 or more such entities to the maximum extent practicable.
SEC. 204. SENSE OF CONGRESS ON UNITED STATES-ISRAEL ECONOMIC COOPERATION.

It is the sense of Congress that—

(1) the United States-Israel economic partnership—

(A) has achieved great tangible and intangible benefits to both countries; and

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

(2) science and technology innovations present promising new frontiers for United States-Israel economic cooperation, particularly in light of widespread drought, cybersecurity attacks, and other major challenges impacting the United States; and

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

SEC. 205. COOPERATION ON DIRECTED ENERGY CAPABILITIES.

(a) Authority.—

(1) In general.—The Secretary of Defense, upon a request from the Ministry of Defense of Israel, and with the concurrence of the Secretary of State, is authorized to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish directed energy capabilities
that address threats to the United States, deployed
forces of the United States, or Israel. Any activities
carried out under this paragraph shall be conducted
in a manner that appropriately protects sensitive in-
formation, the national security interests of the
United States, and the national security interests of
Israel.

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

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

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

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

(ii) establishes a framework to nego-
tiate 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 appropriate congressional committees that describes in detail the support to be provided.

(3) Matching Contribution.—The support described in paragraph (1) may not be provided unless the Secretary of Defense certifies to the appro-
priate congressional committees that the Government of Israel will contribute to such support—

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

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

(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

(d) SEMIANNUAL REPORT.—The Secretary of Defense shall submit a semianual report to the appropriate congressional committees that includes the most recent semianual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

SEC. 206. CONTINGENCY PLANS TO PROVIDE ISRAEL WITH NECESSARY DEFENSE ARTICLES AND SERVICES.

(a) IN GENERAL.—The President, acting through the Secretary of Defense and in consultation with the Secretary of State, shall establish and update, as appropriate, contingency plans to provide Israel with defense articles
and services that are determined by the Secretary of Defense to be necessary for the defense of Israel.

(b) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of State, shall brief the appropriate congressional committees regarding the status of the contingency plans required under subsection (a).