Manager’s Amendment

AMENDMENT NO. ________  Calendar No. ________

Purpose: In the nature of a substitute.


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.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. RUBIO (for himself, Mr. COONS, Mr. RISCH, and Mr. MENENDEZ)

Viz:

1 Strike all after the enacting clause and insert the following:

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.
See. 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 exemption 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 committees” means—

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

4    (2) the Committee on Armed Services of the Senate;

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

6    (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 for the development and acquisition of advanced capabilities that Israel requires to meet its security needs and to enhance United States capabilities.

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 “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 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 “September 30, 2020” 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, 2023” and inserting “September 30, 2025”; and

(2) in the second proviso, by striking “September 30, 2023” 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 Aus-
tralia 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”);
(B) the Convention on the Physical Protection of Nuclear Material, signed at Vienna and New York March 3, 1980; and

(C) the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, signed at Geneva October 10, 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(c)(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) BRIEFING ON ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCEPTION.—Not later than 120 days after the date of the enactment of this Act, the President shall brief the appropriate congressional committees by describing 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).

TITLE II—ENHANCED UNITED STATES-ISRAEL COOPERATION

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

(a) FINDINGS.—Congress finds that the United States Agency for International Development and Israel’s Agency for International Development Cooperation signed memoranda of understanding in 2012, 2017, and 2019 to coordinate the agencies’ respective efforts to promote common development goals in third countries.

(b) SENSE OF CONGRESS REGARDING USAID POLICY.—It is the sense of Congress that the Department of State and the United States Agency for International Development should continue to cooperate with Israel to advance common development goals in third countries across a wide variety of sectors, including energy, agriculture, food security, democracy, human rights, governance, econ-
nomic growth, trade, education, environment, global health, water, and sanitation.

(c) 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 subsections (e) and (f) and inserting the following:

“(e) There are authorized to be appropriated $2,000,000 for each of the fiscal years 2021 through 2025 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;

“(4) clear and appropriate branding and marking of United States funded assistance, in accordance with section 641; and

“(5) 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.

“(f) Amounts appropriated pursuant to subsection (e) shall be obligated in accordance with the memoranda of understanding referred to in subsections (a) and (c) of section 201 of the United States-Israel Security Assistance Authorization Act of 2020”.

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 co-
operation 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 ad-
vanced technology; and

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

(b) ESTABLISHMENT.—The Secretary of State, act-
ing through the Administrator of the United States Agen-
cy for International Development, is authorized to seek to
establish a program between the United States and appro-
priate regional partners to provide for cooperation in the
Middle East region by supporting projects related to inno-
vation 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 from another regional partner; and

(2) shall be conducted in a manner that appropriately protects sensitive information, intellectual property, the national security interests of the United States, and the national security interests of Israel.

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 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 information, intellectual property, the national security interests of the United States, and the national security interests of Israel.

(2) Report.—The activities described in paragraph (1) may be carried out after the Secretary of State submits a report to the appropriate congressional committees that includes—

(A) a memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities 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, between 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 State 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 date on which the Secretary of State 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 State certifies to the appropriate congressional committees that the Government of Israel will contribute to such support—

(A) an amount 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.

(e) Lead Agency.—The Secretary of State shall designate an appropriate research and development entity as the lead agency of the Department of State in carrying out this section.

(d) Semiannual Report.—The Secretary of State shall submit a semiannual report to the appropriate congressional committees that includes the most recent semiannual report provided by the Government of Israel to the Department of State.
SEC. 206. PLANS TO PROVIDE ISRAEL WITH NECESSARY DEFENSE ARTICLES AND SERVICES IN A CONTINGENCY.

(a) IN GENERAL.—The President shall establish and update, as appropriate, 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 in a contingency.

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

SEC. 207. OTHER MATTERS OF COOPERATION.

(a) IN GENERAL.—Activities authorized under this section shall be carried out with the concurrence of the Secretary of State and aligned with the National Security Strategy of the United States, the United States Government Global Health Security Strategy, the Department of State Integrated Country Strategies, the USAID Country Development Cooperation Strategies, and any equivalent or successor plans or strategies, as necessary and appropriate.

(b) DEVELOPMENT OF HEALTH TECHNOLOGIES.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Health and Human
1 Services $4,000,000 for each of the fiscal years 2021 through 2023 for a bilateral cooperative pro-
gram with the Government of Israel that awards
grants for the development of health technologies,
including health technologies listed in paragraph (2),
subject to paragraph (3), with an emphasis on col-
laboratively advancing the use of technology and
personalized medicine in relation to COVID–19.

(2) TYPES OF HEALTH TECHNOLOGIES.—The
health technologies described in this paragraph may
include technologies such as sensors, drugs and vac-
cinations, respiratory assist devices, diagnostic tests,
and telemedicine.

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

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

(A) is in existence on the day before the
date of the enactment of this Act for the pur-
poses described in paragraph (1); or
(B) is established after the date of the enactment of this Act by the Secretary of Health and Human Services, in consultation with the Secretary of State, in accordance with the Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters, done at Jerusalem May 29, 2008 (or a successor agreement), for the purposes described in paragraph (1).

(c) COORDINATOR OF UNITED STATES–ISRAEL RESEARCH AND DEVELOPMENT.—

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

(2) AUTHORITIES AND DUTIES.—The Coordinator, in conjunction with the heads of relevant Federal Government departments and agencies and in coordination with the Israel Innovation Authority,
may oversee civilian science and technology programs on a joint basis with Israel.

(d) Office of Global Policy and Strategy of the Food and Drug Administration.—

(1) In general.—It is the sense of Congress that the Commissioner of the Food and Drug Administration should seek to explore collaboration with Israel through the Office of Global Policy and Strategy.

(2) Report.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, acting through the head of the Office of Global Policy and Strategy, shall submit a report describing the benefits to the United States and to Israel of opening an office in Israel for the Office of Global Policy and Strategy to—

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

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

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

(D) the Committee on Energy and Commerce of the House of Representatives.
(e) United States–Israel Energy Center.—There is authorized to be appropriated to the Secretary of Energy $4,000,000 for each of the fiscal years 2021 through 2023 to carry out the activities of the United States-Israel Energy Center established pursuant to section 917(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(d)).

(f) United States–Israel Binational Industrial Research and Development Foundation.—It is the sense of Congress that grants to promote covered energy projects conducted by, or in conjunction with, the United States-Israel Binational Industrial Research and Development Foundation should be funded at not less than $2,000,000 annually under section 917(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337(b)).

(g) United States–Israel Cooperation on Energy, Water, Homeland Security, Agriculture, and Alternative Fuel Technologies.—Section 7 of the United States-Israel Strategic Partnership Act of 2014 (22 U.S.C. 8606) is amended by adding at the end the following:

“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section
$2,000,000 for each of the fiscal years 2021 through 2023.”

(h) **Annual Policy Dialogue.**—It is the sense of Congress that the Department of Transportation and Israel’s Ministry of Transportation should engage in an annual policy dialogue to implement the 2016 Memorandum of Cooperation signed by the Secretary of Transportation and the Israeli Minister of Transportation.

(i) **Cooperation on Space Exploration and Science Initiatives.**—The Administrator of the National Aeronautics and Space Administration shall continue to work with the Israel Space Agency to identify and cooperatively pursue peaceful space exploration and science initiatives in areas of mutual interest, taking all appropriate measures to protect sensitive information, intellectual property, 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 expertise in researching and treating posttraumatic stress disorder.