Making emergency supplemental appropriations for assistance for the situation in Israel for the fiscal year ending September 30, 2024, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

Making emergency supplemental appropriations for assistance for the situation in Israel for the fiscal year ending September 30, 2024, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR ISRAEL

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-wide”, $4,400,000,000, to remain avail-
able until September 30, 2025, to respond to the situation in Israel and for related expenses: Provided, That amounts made available under this heading shall be available for transfer to accounts under the headings “Operation and Maintenance”, “Procurement”, “Research, Development, Test, and Evaluation”, and “Revolving and Management Funds” for replacement, through new procurement or repair of existing unserviceable equipment, of defense articles from the stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to or identified for provision to Israel or to foreign countries that have provided support to Israel at the request of the United States: Provided further, That amounts made available under this heading may also be transferred to accounts under the heading “Procurement” for expansion of public and private plants, including the land necessary therefor, and procurement and installation of equipment, appliances, and machine tools in such plants, for the purpose of increasing production of critical munitions: Provided further, That amounts made available under this heading may also be transferred to accounts under the heading “Procurement” and “Research, Development, Test and Evaluation” for the acquisition of critical defense articles: Provided further, That funds trans-
ferred pursuant to a transfer authority provided under this heading shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: Provided further, That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided under this heading, such amounts may be transferred back and merged with this appropriation: Provided further, That amounts may be transferred between appropriations made under this heading: Provided further, That any transfer authority provided under this heading is in addition to any other transfer authority provided by law: Provided further, That such amount in this paragraph is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amounts shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).
PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $801,400,000, to remain available until September 30, 2026, to respond to the situation in Israel and for related expenses: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-wide”, $4,000,000,000, to remain available until September 30, 2027, for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome and David’s Sling defense systems to counter short-range rocket threats: Provided, That such funds shall be transferred pursuant to an exchange of letters and are in addition to funds provided pursuant to the U.S.-Israel Iron Dome Procurement Agreement, as amended: Provided further, That nothing under this heading shall be construed to apply to amounts made available in prior appropriations Acts for the procurement of the
Iron Dome and David’s Sling defense systems: Provided further, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amounts shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).

DEFENSE PRODUCTION ACT PURCHASES

For an additional amount for “Defense Production Act Purchases”, $198,600,000, to remain available until expended, for activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and 4533): Provided, That such amounts shall be obligated and expended by the Secretary of Defense as if delegated the necessary authorities conferred by the Defense Production Act of 1950: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).
For an additional amount for “Research, Development, Test and Evaluation, Defense-wide”, $1,200,000,000, to remain available until September 30, 2026, for the Secretary of Defense to provide to the Government of Israel for the development of the Iron Beam defense system to counter short-range rocket threats: Provided, That such funds shall be transferred pursuant to an exchange of letters: Provided further, That nothing in the preceding proviso shall be construed to apply to amounts made available in prior appropriations Acts for the development of the Iron Beam defense system: Provided further, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amounts shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).
For an additional amount for "Diplomatic programs", $150,000,000, to remain available until September 30, 2025, of which $50,000,000 shall be for responding to the situation in Israel and areas impacted by the situation in Israel, and of which $100,000,000 shall be available until expended for Worldwide Security Protection to respond to the situation in Israel and areas impacted by the situation in Israel: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).

For an additional amount for "Emergencies in the Diplomatic and Consular Service", $50,000,000, to remain available until September 30, 2025, to meet unfore-
seen emergencies arising in the diplomatic and consular service: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).

EXPANDED TRANSFER AUTHORITY FOR CONSULAR AND BORDER SECURITY PROGRAMS

During fiscal years 2024 and 2025, funds deposited in the consular and border security programs account in any fiscal year that are available for obligation may be transferred to, and merged with, funds appropriated by any Act making appropriations for the Department of State, foreign operations, and related programs under the headings “Diplomatic Programs” (including for worldwide security protection), “Embassy Security, Construction, and Maintenance”, and “Emergencies in the Diplomatic and Consular Service”, for emergency evacuations or to prevent or respond to security situations and requirements: Provided, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committee on Appropriations of the Senate and the House of Representatives: Provided further,
ther, That such transfer authority is in addition to any transfer authority otherwise available in this Act and under any other provision of law.

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, $3,500,000,000, to remain available until September 30, 2025, which shall be for responding to the situation in Israel and related expenses: Provided,

That funds made available under this heading in this Act and Acts making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2024, and prior fiscal years, in addition to funds otherwise available for such purposes, may be used by the Department of State for necessary expenses for the general costs of administering military assistance and sales, including management and oversight of such programs and activities: Provided further, That direct loans made using amounts described in the preceding proviso may be made notwithstanding any provision of law limiting the interest rate charged to borrowers: Provided further, That loan guarantees made using amounts described in the second proviso under this heading for loans financed by the Federal Financing Bank may be provided notwithstanding
any provision of law limiting the percentage of loan principal that may be guaranteed: Provided further, That, to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which up to $3,500,000,000 may be available for the procurement in Israel of defense articles and defense services: Provided further, That any congressional notification requirement applicable to funds made available under this heading for Israel may be waived if a determination is made that extraordinary circumstances exist that impact the national security of the United States: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only if the President designates such amount as an emergency requirement pursuant to section 251(b)(2)(A).

**TITLE II—GENERAL PROVISIONS**

**SEC. 201. DRAWDOWN AUTHORITY.**

(a) In General.—Section 506(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is amended by adding at the end the following new paragraph:
“(4) For fiscal year 2024, in addition to amounts otherwise specified in this section, the President may direct the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $7,000,000,000, to be provided to Israel.”.

(b) NATIONAL INTEREST.—Section 506(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(2)) is amended by adding at the end the following new sub-paragraph:

“(C) For fiscal year 2024, in addition to amounts otherwise specified in this section, an aggregate value not to exceed $200,000,000 of any such articles, services, and military education and training may be provided to Israel pursuant to subparagraph (A) of this paragraph, not more than $75,000,000 of which may be provided from the drawdown from the inventory and resources of the Department of Defense.”.

(c) EMERGENCY TRANSFER OF FUNDS.—Section 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) is amended by adding at the end the following:

“For fiscal year 2024, in addition to the aggregate value
of $25,000,000 authorized in the text in paragraph (1) designated as paragraph (2) of the sentence preceding the immediately preceding sentence, the President may direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government for the purposes of providing necessary and immediate assistance to Israel of a value not to exceed $25,000,000.”.

(d) Special Authorities.—Section 614(a)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(4)) is amended by adding at the end the following new subparagraph:

“(D) Notwithstanding the limitations in this subsection and in addition to other amounts in this subsection, in fiscal year 2024, the authority of this subsection may be used to authorize the use of up to $1,000,000,000 of funds made available for use under this chapter or the Arms Export Control Act (22 U.S.C. 2751 et seq.), to be provided to Israel.”.

(e) Transfer of Funds.—During fiscal year 2024, section 610(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2360) shall be applied by substituting “20 per centum” for “10 per centum” and “40 per centum” for “20 per centum”.
SEC. 202. DEPARTMENT OF DEFENSE STOCKPILES.

Section 12001 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), as amended by Public Law 115–141, is amended as follows:

(1) in paragraph (2) of subsection (a), by striking “armor” and all that follows through the period at the end and inserting “defense articles that are in the inventory of the Department of Defense as of the date of transfer, are intended for use as reserve stocks for Israel, and are located in a stockpile for Israel as of the date of transfer.”;

(2) in subsection (b), by striking “at least equal to the fair market value of the items transferred” and inserting “in an amount to be determined by the Secretary of Defense”; and

(3) in subsection (c), by inserting after “authority of this section” the following: “, or as far in advance of such transfer as is practicable as determined by the President on a case-by-case basis during extraordinary circumstances impacting the national security of the United States”.

SEC. 203. FISCAL YEAR LIMITS ON NEW STOCKPILES OR ADDITIONS TO EXISTING STOCKPILES LOCATED IN FOREIGN COUNTRIES.

For fiscal year 2024, section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)) shall not
apply to defense articles to be set aside, earmarked, reserved, or intended for use as reserve stocks in stockpiles in the State of Israel.

SEC. 204. GENERAL AUTHORITIES AND CONDITIONS.

Unless otherwise provided for by this Act, the additional amounts appropriated to appropriations accounts in this Act shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2024.

SEC. 205. LIMITATIONS.

None of the amounts appropriated or otherwise made available by this Act may be obligated or expended—

(1) in connection with the war in Ukraine; or

(2) for assistance to any entity that is—

(A) located in the territory of Gaza; or

(B) is controlled or influenced by Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 206. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to constitute a specific statutory authorization for the introduction of United States Armed Forces into hostilities or into situa-
tions wherein hostilities are clearly indicated by the cir-
cumstances.

3 **SEC. 207. SHORT TITLE.**

4 This Act may be cited as the “Israel Supplemental

5 Appropriations Act of 2023”.