

118TH CONGRESS  
2D SESSION

# S. 4337

To provide for the expeditious delivery of defense articles and defense services for Israel, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 15, 2024

Mr. COTTON (for himself, Mr. MARSHALL, Ms. ERNST, Mr. KENNEDY, Mr. DAINES, Mrs. HYDE-SMITH, Mr. SCOTT of Florida, Mr. BUDD, Mr. RICKETTS, Mr. CRAPO, Mr. BARRASSO, Ms. LUMMIS, Mrs. FISCHER, Mr. TILLIS, Mr. CRAMER, Mrs. BRITT, Mr. GRAHAM, Mr. LANKFORD, Mr. SULLIVAN, Mr. HAWLEY, Mr. HOEVEN, Mr. RUBIO, Mr. CRUZ, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To provide for the expeditious delivery of defense articles and defense services for 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.**

4 This Act may be cited as the “Israel Security Assist-  
5 ance Support Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) On October 7, 2023, Hamas terrorists  
2           launched a massive, unprovoked war on Israel, kill-  
3           ing over 1,200 innocent people and taking over 240  
4           hostages, including United States citizens.

5           (2) Since October 7, 2023, Israel has faced at-  
6           tacks by Iran and its proxies, including Hezbollah,  
7           Hamas, and the Houthis, which have required sig-  
8           nificant military responses.

9           (3) Under the terms of a 2016 Memorandum of  
10          Understanding, the United States provides Israel  
11          with \$3,800,000,000 per year in security assistance  
12          and missile defense funding from fiscal years 2019  
13          through 2028, which is subject to the approval of  
14          Congress.

15          (4) Thus far in fiscal year 2024, Congress has  
16          enacted regular and supplemental legislation appro-  
17          priating \$12,500,000,000 in security assistance and  
18          missile defense for Israel without any additional con-  
19          ditions.

20          (5) Congress plays a vital role in oversight and  
21          approval of direct commercial sales and foreign mili-  
22          tary sales to security partners around the world, in-  
23          cluding Israel.

24          (6) In May 2024, it was reported that Presi-  
25          dent Biden ordered a pause on certain defense arti-

1       cles ready for imminent delivery to Israel, without  
2       having consulted with Congress.

3               (7) On May 8, 2024, President Biden stated,  
4       regarding Israel, “We’re not going to supply the  
5       weapons and artillery shells”.

6 **SEC. 3. SENSE OF CONGRESS.**

7       It is the sense of Congress that Congress—

8               (1) condemns the Biden Administration’s deci-  
9       sion to pause certain arms transfers to Israel as  
10      Israel faces unprecedented threats from Iran and its  
11      proxies, including Hezbollah, Hamas, and the  
12      Houthis;

13              (2) calls on the Biden Administration to allow  
14      all previously approved arms transfers to Israel to  
15      proceed quickly to ensure that Israel can defend  
16      itself and defeat threats from Iran and its proxies,  
17      including Hezbollah, Hamas, and the Houthis;

18              (3) calls on the Biden Administration to utilize  
19      all congressionally appropriated funds for security  
20      assistance for Israel as Congress intended;

21              (4) stands with Israel as it defends itself  
22      against the barbaric war launched by Hamas and  
23      other terrorists; and

24              (5) reaffirms Israel’s right to self-defense.

1 **SEC. 4. PROHIBITION.**

2 None of the funds appropriated or otherwise made  
3 available under any Act appropriating funds for the De-  
4 partment of Defense or the Department of State for fiscal  
5 year 2024 or any prior years may be made available—

6 (1) to withhold, halt, reverse, or cancel the de-  
7 livery of defense articles or defense services from the  
8 United States to Israel; or

9 (2) to pay the salary or expenses of any officer  
10 or employee of the Department of Defense or the  
11 Department of State who takes any action to sup-  
12 port or further the withholding, halting, reversal, or  
13 cancellation of the delivery of such defense articles  
14 or services.

15 **SEC. 5. PROMPT DELIVERY.**

16 (a) PROMPT DELIVERY OF DEFENSE ARTICLES AND  
17 SERVICES.—The Secretary of Defense, in coordination  
18 with the Secretary of State, shall ensure prompt delivery  
19 of all defense articles and services for Israel that are ex-  
20 pected to be delivered in fiscal years 2024 and 2025, in-  
21 cluding—

22 (1) those contracted through the Foreign Mili-  
23 tary Sales system;

24 (2) those supported by prior Acts making ap-  
25 propriations for the Department of Defense; and

1           (3) those provided pursuant to a declaration in  
2           section 506(a) of the Foreign Assistance Act of  
3           1961 (22 U.S.C. 2318(a)).

4           (b) PROMPT DELIVERY OF DIRECT COMMERCIAL  
5 SALES.—The Secretary of State shall ensure prompt ap-  
6 proval and delivery of all direct commercial sales of de-  
7 fense articles and services for Israel that are expected to  
8 be delivered in fiscal years 2024 and 2025, including those  
9 for the Ministry of Public Security.

10          (c) PROMPT DELIVERY OF WITHHELD ITEMS.—Any  
11 defense article and defense service described in subsection  
12 (a) or (b) of this section that were withheld from delivery  
13 as of the date of the enactment of this Act shall be deliv-  
14 ered to Israel not later than 15 days after the date of  
15 the enactment of this Act.

16 **SEC. 6. WITHHOLDING OF FUNDS.**

17          (a) WITHHOLDING OF DEPARTMENT OF DEFENSE  
18 FUNDS.—None of the unobligated balances of funds made  
19 available by prior Acts making appropriations for the De-  
20 partment of Defense under the heading “Operation and  
21 Maintenance, Defense-Wide” for the immediate Office of  
22 the Secretary of Defense that are available as of the date  
23 of the enactment of this Act may be obligated or expended  
24 until the Secretary of Defense certifies and reports to the  
25 Committee on Appropriations of the House of Representa-

1 tives and the Senate that the requirements of section 5(c)  
2 have been met.

3 (b) WITHHOLDING OF DEPARTMENT OF STATE  
4 FUNDS.—None of the unobligated balances of funds made  
5 available by prior Acts making appropriations for the De-  
6 partment of State, Foreign Operations, and Related Pro-  
7 grams under the heading “Diplomatic Programs” for the  
8 Office of the Secretary that are available as of the date  
9 of the enactment of this Act may be obligated or expended  
10 until the Secretary of State certifies and reports to the  
11 Committee on Appropriations of the House of Representa-  
12 tives and the Senate that the requirements of section 5(c)  
13 have been met.

14 (c) WITHHOLDING OF FINANCIAL SERVICES AND  
15 GENERAL GOVERNMENT FUNDS.—None of the unobli-  
16 gated balances of funds made available by prior Acts mak-  
17 ing appropriations for Financial Services and General  
18 Government under the heading “Executive Office of the  
19 President and Funds Appropriated To the President—Na-  
20 tional Security Council and Homeland Security Council”  
21 that are available as of the date of the enactment of this  
22 Act may be obligated or expended until the President cer-  
23 tifies and reports to the Committee on Appropriations of  
24 the House of Representatives and the Senate that the re-  
25 quirements of section 5(c) have been met.

1 **SEC. 7. OBLIGATION REQUIREMENT.**

2 Notwithstanding any other provision of law, the Sec-  
3 retary of Defense and the Secretary of State shall obligate  
4 any remaining unobligated balances of funds appropriated  
5 or otherwise made available for assistance for Israel not  
6 later than 30 days after the date of the enactment of this  
7 Act.

8 **SEC. 8. REPORTS.**

9 (a) **INSPECTOR GENERAL REPORT.**—Not later than  
10 90 days after the date of the enactment of this Act, the  
11 Inspectors General of the Department of Defense and the  
12 Department of State shall jointly submit to Congress a  
13 report on any actions taken by executive branch officials  
14 before the date of the enactment of this Act to withhold,  
15 halt, reverse, or cancel the delivery of defense articles and  
16 defense services to Israel.

17 (b) **MONTHLY SECURITY ASSISTANCE REPORT.**—Not  
18 later than 30 days after the date of the enactment of this  
19 Act, and every 30 days thereafter through fiscal year  
20 2025, the Secretary of Defense, in coordination with the  
21 Secretary of State, shall provide a written report to the  
22 Committees on Appropriations, Armed Services, and For-  
23 eign Affairs of the House of Representatives and the Com-  
24 mittees on Appropriations, Armed Services, and Foreign  
25 Relations of the Senate describing United States security  
26 assistance provided to Israel since October 7, 2023, in-

1 cluding a comprehensive list of the defense articles and  
2 services provided to Israel and the associated authority  
3 and funding used to provide such articles and services:  
4 *Provided*, That such report shall be submitted in unclassi-  
5 fied form, but may be accompanied by a classified annex.

6 (c) REPORT ON PRIORITY DEFENSE ARTICLES AND  
7 SERVICES.—Not later than 30 days after the date of the  
8 enactment of this Act, the Secretary of Defense, in coordi-  
9 nation with the Secretary of State, shall provide a written  
10 report to the Committees on Appropriations, Armed Serv-  
11 ices, and Foreign Affairs of the House of Representatives  
12 and the Committees on Appropriations, Armed Services,  
13 and Foreign Relations of the Senate describing urgent and  
14 high priority defense articles and defense services for  
15 Israel and steps taken or planned to expedite the delivery  
16 of such articles and services.

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