

118TH CONGRESS
2D SESSION

S. 4537

To provide for congressional oversight of proposed changes to arms sales to Israel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2024

Mr. RISCH introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for congressional oversight of proposed changes to arms sales 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.**

4 This Act may be cited as the “Maintaining Our Iron-
5 clad Commitment to Israel’s Security Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) In 2016, the Obama administration con-
9 cluded negotiations with Israel for a 10-year memo-
10 randum of understanding to provide security assist-

1 ance to Israel for the period of fiscal years 2019
2 through 2028 that affirmed “the unshakeable com-
3 mitment of the United States to Israel’s security”.

4 (2) In May 2024, the Biden administration de-
5 layed shipment to Israel of 1,800 2,000-pound
6 bombs and 1,700 500-pound bombs in an effort to
7 apply political pressure to the Government of Israel.
8 The decision to delay such shipment was made with-
9 out consulting with or notifying Congress and de-
10 spite repeated public assurances that the United
11 States-Israel relationship was “ironclad” and that
12 there was “no change in policy”.

13 (3) On May 8, 2024, President Biden stated,
14 with respect to Israel, “We’re not going to supply
15 the weapons and artillery shells.”.

16 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) Israel has a right to defend itself, which in-
19 cludes the need for offensive capabilities to deter
20 and defeat threats, including threats posed by Iran
21 and its terrorist proxies Hamas, Hezbollah, and the
22 Houthis;

23 (2) previously negotiated and approved United
24 States arms sales to Israel should proceed, and all
25 pauses should be lifted, to ensure that Israel is prop-

1 erly equipped to defend itself and defeat threats, in-
2 cluding threats posed by Iran and its terrorist prox-
3 ies Hamas, Hezbollah, and the Houthis; and

4 (3) limiting or otherwise delaying the sale or
5 delivery of United States-made defense articles to
6 Israel runs counter to the commitments the United
7 States made to Israel as part of the 2016 memo-
8 randum of understanding and undermines regional
9 security, including prospective advances in Israel-
10 Saudi normalization.

11 **SEC. 4. CONGRESSIONAL OVERSIGHT OF PROPOSED**
12 **CHANGES TO ARMS SALES TO ISRAEL.**

13 (a) IN GENERAL.—The President may not take any
14 action to pause, suspend, delay, or abrogate the delivery
15 of covered defense articles and defense services to Israel,
16 including as part of a policy review, unless, not less than
17 15 legislative days prior to such action, the President pro-
18 vides to the appropriate committees of Congress the notifi-
19 cation described in (b) relating to such pause, suspension,
20 delay, or abrogation in unclassified form, with a classified
21 annex as necessary.

22 (b) NOTIFICATION DESCRIBED.—The notification de-
23 scribed in this subsection is a notification relating to a
24 pause, suspension, delay, or abrogation of the delivery of

1 covered defense articles and defense services, which shall
2 include the following:

3 (1) An identification of the end user of the cov-
4 ered defense articles and defense services concerned.

5 (2) A detailed description of the type of covered
6 defense articles and defense services concerned, in-
7 cluding the date on which Congress was notified of
8 the transfer of such covered defense articles and de-
9 fense services.

10 (3) A policy justification for the pause, suspen-
11 sion, delay, or abrogation and a description of the
12 potential impact such action may have on United
13 States national security interests.

14 (4) An identification of conditions for lifting the
15 pause, suspension, delay, or abrogation, a statement
16 as to whether such conditions will be communicated
17 to the Government of Israel, and the timeline for
18 meeting such conditions.

19 (5) A description of the sources of funds used
20 to provide the covered defense articles and defense
21 services concerned, including an identification of ap-
22 propriations accounts, as applicable.

23 (6) An identification of any bilateral agreement
24 or memorandum of understanding related to the au-

1 thority to provide the covered defense articles and
2 defense services concerned.

3 (7) An assessment as to whether the pause,
4 suspension, delay, or abrogation would adversely af-
5 fect the qualitative military edge of Israel over mili-
6 tary threats to Israel.

7 (c) DEFINITIONS.—In this section:

8 (1) APPROPRIATE COMMITTEES OF CON-
9 GRESS.—The term “appropriate committees of Con-
10 gress” means—

11 (A) the Committee on Foreign Relations
12 and the Committee on Appropriations of the
13 Senate; and

14 (B) the Committee on Foreign Affairs and
15 the Committee on Appropriations of the House
16 of Representatives.

17 (2) QUALITATIVE MILITARY EDGE.—The term
18 “qualitative military edge” has the meaning given
19 such term in section 36(h)(3) of the Arms Export
20 Control Act (22 U.S.C. 2776(h)(3)).

21 **SEC. 5. CONGRESSIONAL REVIEW.**

22 (a) LIMITATION ON ACTIONS DURING INITIAL CON-
23 GRESSIONAL REVIEW PERIOD.—During the 15-legislative-
24 day period following the submission of a notification de-
25 scribed in section 4(b), the President may not take any

1 action to pause, suspend, delay, or abrogate the delivery
2 of covered defense articles and defense services to Israel
3 described in such notification.

4 (b) LIMITATION ON ACTIONS AFTER INTRODUCTION
5 OF A JOINT RESOLUTION OF DISAPPROVAL.—If a joint
6 resolution of disapproval relating to a notification de-
7 scribed in section 4(b) is introduced, the President may
8 not take any action relating to the pause, suspension,
9 delay, or abrogation of the delivery of the covered defense
10 articles and defense services described in such notification
11 for a period of 10 legislative days, unless the joint resolu-
12 tion sooner passes both Houses of Congress.

13 (c) LIMITATION ON ACTIONS DURING PRESIDENTIAL
14 CONSIDERATION OF A JOINT RESOLUTION OF DIS-
15 APPROVAL.—If a joint resolution of disapproval relating
16 to notification described in section 4(b) passes both
17 Houses of Congress, the President may not take any ac-
18 tion relating to the pause, suspension, delay, or abrogation
19 of the delivery of the covered defense articles and defense
20 services described in such notification for a period of 12
21 legislative days after the date of passage of the joint reso-
22 lution of disapproval, unless the President sooner vetoes
23 the joint resolution of disapproval.

24 (d) LIMITATION ON ACTIONS DURING CONGRES-
25 SIONAL RECONSIDERATION OF A JOINT RESOLUTION OF

1 DISAPPROVAL.—If the President vetoes the joint resolu-
2 tion of disapproval, the President may not take the action
3 described in such notification for a period of 10 legislative
4 days after the date of the President’s veto, unless the joint
5 resolution sooner fails of passage on reconsideration in ei-
6 ther House.

7 (e) EFFECT OF ENACTMENT OF A JOINT RESOLU-
8 TION OF DISAPPROVAL.—If a joint resolution of dis-
9 approval relating to notification described in section 4(b)
10 is enacted into law, the President may not take any action
11 relating to the pause, suspension, delay, or abrogation of
12 the delivery to Israel of the covered defense articles and
13 defense services described in such notification for a period
14 of 180 days, at which point, the President shall submit
15 a new notification relating to any such action.

16 (f) JOINT RESOLUTIONS OF DISAPPROVAL.—

17 (1) DEFINITION.—In this section, the term
18 “joint resolution of disapproval” means only a joint
19 resolution of either House of Congress—

20 (A) the title of which is as follows: “A joint
21 resolution disapproving the President’s proposal
22 to pause, suspend, delay, or abrogate the deliv-
23 ery of covered defense articles and defense serv-
24 ices to Israel.”; and

1 (B) the sole matter after the resolving
2 clause of which is the following: “Congress dis-
3 approves of the action relating to pause, sus-
4 pend, delay, or abrogate the delivery of covered
5 defense articles and defense services to Israel
6 proposed by the President in the notification
7 described in section 4(b) of the Maintaining
8 Our Ironclad Commitment to Israel’s Security
9 Act on _____ relating to _____.”,
10 with the first blank space being filled with the
11 appropriate date and the second blank space
12 being filled with a short description of the pro-
13 posed action.

14 (2) INTRODUCTION.—During the period of 15
15 legislative days provided for under subsection (a), a
16 joint resolution of disapproval may be introduced—

17 (A) in the House of Representatives, by
18 the majority leader or the minority leader; and

19 (B) in the Senate, by the majority leader
20 (or the majority leader’s designee) or the mi-
21 nority leader (or the minority leader’s des-
22 ignee).

23 (3) FLOOR CONSIDERATION IN HOUSE OF REP-
24 RESENTATIVES.—

1 (A) REPORTING AND DISCHARGE.—If a
2 committee of the House of Representatives to
3 which a joint resolution of disapproval has been
4 referred has not reported the joint resolution
5 within 5 legislative days after the date of refer-
6 ral, that committee shall be discharged from
7 further consideration of the joint resolution.

8 (B) PROCEEDING TO CONSIDERATION.—
9 Beginning on the third legislative day after
10 each committee to which a joint resolution has
11 been referred reports the joint resolution to the
12 House or has been discharged from further con-
13 sideration thereof, it shall be in order to move
14 to proceed to consider the joint resolution in the
15 House. All points of order against the motion
16 are waived. Such a motion shall not be in order
17 after the House has disposed of a motion to
18 proceed on the joint resolution. The previous
19 question shall be considered as ordered on the
20 motion to its adoption without intervening mo-
21 tion. The motion shall not be debatable. A mo-
22 tion to reconsider the vote by which the motion
23 is disposed of shall not be in order.

24 (C) CONSIDERATION.—The joint resolution
25 shall be considered as read. All points of order

1 against the joint resolution and against its con-
2 sideration are waived. The previous question
3 shall be considered as ordered on the joint reso-
4 lution to final passage without intervening mo-
5 tion except 2 hours of debate equally divided
6 and controlled by the sponsor of the joint reso-
7 lution (or a designee) and an opponent. A mo-
8 tion to reconsider the vote on passage of the
9 joint resolution shall not be in order.

10 (4) CONSIDERATION IN THE SENATE.—

11 (A) COMMITTEE REFERRAL.—A joint reso-
12 lution of disapproval introduced in the Senate
13 shall be referred to the Committee on Foreign
14 Relations.

15 (B) REPORTING AND DISCHARGE.—If the
16 Committee on Foreign Relations has not re-
17 ported the joint resolution within 5 legislative
18 days after the date of referral of the joint reso-
19 lution, that committee shall be discharged from
20 further consideration of the joint resolution and
21 the joint resolution shall be placed on the ap-
22 propriate calendar.

23 (C) PROCEEDING TO CONSIDERATION.—
24 Notwithstanding Rule XXII of the Standing
25 Rules of the Senate, it is in order at any time

1 after the Committee on Foreign Relations re-
2 ports a joint resolution of disapproval to the
3 Senate or has been discharged from consider-
4 ation of such a joint resolution (even though a
5 previous motion to the same effect has been dis-
6 agreed to) to move to proceed to the consider-
7 ation of the joint resolution, and all points of
8 order against the joint resolution (and against
9 consideration of the joint resolution) are
10 waived. The motion to proceed is not debatable.
11 The motion is not subject to a motion to post-
12 pone. A motion to reconsider the vote by which
13 the motion is agreed to or disagreed to shall not
14 be in order.

15 (D) RULINGS OF THE CHAIR ON PROCE-
16 DURE.—Appeals from the decisions of the Chair
17 relating to the application of the rules of the
18 Senate, as the case may be, to the procedure re-
19 lating to a joint resolution of disapproval shall
20 be decided without debate.

21 (E) CONSIDERATION OF VETO MES-
22 SAGES.—Debate in the Senate of any veto mes-
23 sage with respect to a joint resolution of dis-
24 approval, including all debatable motions and
25 appeals in connection with the joint resolution,

1 shall be limited to 10 hours, to be equally di-
2 vided between, and controlled by, the majority
3 leader and the minority leader or their des-
4 ignees.

5 (5) RULES RELATING TO SENATE AND HOUSE
6 OF REPRESENTATIVES.—

7 (A) COORDINATION WITH ACTION BY
8 OTHER HOUSE.—If, before the passage by one
9 House of a joint resolution of that House, that
10 House receives a joint resolution from the other
11 House, then the following procedures shall
12 apply:

13 (i) The joint resolution of the other
14 House shall not be referred to a com-
15 mittee.

16 (ii) With respect to a joint resolution
17 of the House receiving the legislation—

18 (I) the procedure in that House
19 shall be the same as if no joint resolu-
20 tion had been received from the other
21 House; but

22 (II) the vote on passage shall be
23 on the joint resolution of the other
24 House.

1 (B) TREATMENT OF A JOINT RESOLUTION
2 OF OTHER HOUSE.—If one House fails to intro-
3 duce a joint resolution under this section, the
4 joint resolution of the other House shall be en-
5 titled to expedited floor procedures under this
6 section.

7 (C) TREATMENT OF COMPANION MEAS-
8 URES.—If, following passage of the joint resolu-
9 tion in the Senate, the Senate then receives a
10 companion measure from the House of Rep-
11 resentatives, the companion measure shall not
12 be debatable.

13 (D) APPLICATION TO REVENUE MEAS-
14 URES.—The provisions of this paragraph shall
15 not apply in the House of Representatives to a
16 joint resolution of disapproval that is a revenue
17 measure.

18 (6) RULES OF HOUSE OF REPRESENTATIVES
19 AND SENATE.—This subsection is enacted by Con-
20 gress—

21 (A) as an exercise of the rulemaking power
22 of the Senate and the House of Representa-
23 tives, respectively, and as such is deemed a part
24 of the rules of each House, respectively, and su-

1 persedes other rules only to the extent that it
2 is inconsistent with such rules; and

3 (B) with full recognition of the constitu-
4 tional right of either House to change the rules
5 (so far as relating to the procedure of that
6 House) at any time, in the same manner, and
7 to the same extent as in the case of any other
8 rule of that House.

9 **SEC. 6. DEFINITION OF COVERED DEFENSE ARTICLES AND**
10 **DEFENSE SERVICES.**

11 In this Act, the term “covered defense articles and
12 defense services” means any defense article or defense
13 service provided under the authority of any of the fol-
14 lowing:

15 (1) Section 3 of the Arms Export Control Act
16 (22 U.S.C. 2753).

17 (2) Section 22 of the Arms Export Control Act
18 (22 U.S.C. 2762).

19 (3) Section 36 of the Arms Export Control Act
20 (22 U.S.C. 2776).

21 (4) Section 38 of the Arms Export Control Act
22 (22 U.S.C. 2778).

23 (5) Section 506 of the Foreign Assistance Act
24 of 1961 (22 U.S.C. 2318).

1 (6) Section 614 of the Foreign Assistance Act
2 of 1961 (22 U.S.C. 2364).

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