

118TH CONGRESS
1ST SESSION

S. _____

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—SUPPLEMENTAL**
4 **APPROPRIATIONS FOR ISRAEL**

5 DEPARTMENT OF DEFENSE

6 OPERATION AND MAINTENANCE

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For an additional amount for “Operation and Main-
9 tenance, Defense-wide”, \$4,400,000,000, to remain avail-

1 able until September 30, 2025, to respond to the situation
2 in Israel and for related expenses: *Provided*, That amounts
3 made available under this heading shall be available for
4 transfer to accounts under the headings “Operation and
5 Maintenance”, “Procurement”, “Research, Development,
6 Test, and Evaluation”, and “Revolving and Management
7 Funds” for replacement, through new procurement or re-
8 pair of existing unserviceable equipment, of defense arti-
9 cles from the stocks of the Department of Defense, and
10 for reimbursement for defense services of the Department
11 of Defense and military education and training, provided
12 to or identified for provision to Israel or to foreign coun-
13 tries that have provided support to Israel at the request
14 of the United States: *Provided further*, That amounts
15 made available under this heading may also be transferred
16 to accounts under the heading “Procurement” for expan-
17 sion of public and private plants, including the land nec-
18 essary therefor, and procurement and installation of
19 equipment, appliances, and machine tools in such plants,
20 for the purpose of increasing production of critical muni-
21 tions: *Provided further*, That amounts made available
22 under this heading may also be transferred to accounts
23 under the heading “Procurement” and “Research, Devel-
24 opment, Test and Evaluation” for the acquisition of crit-
25 ical defense articles: *Provided further*, That funds trans-

1 ferred pursuant to a transfer authority provided under
2 this heading shall be merged with and available for the
3 same purposes and for the same time period as the appro-
4 priations to which the funds are transferred: *Provided fur-*
5 *ther*, That the Secretary of Defense shall notify the con-
6 gressional defense committees of the details of such trans-
7 fers not less than 15 days before any such transfer: *Pro-*
8 *vided further*, That upon a determination that all or part
9 of the funds transferred from this appropriation are not
10 necessary for the purposes provided under this heading,
11 such amounts may be transferred back and merged with
12 this appropriation: *Provided further*, That amounts may
13 be transferred between appropriations made under this
14 heading: *Provided further*, That any transfer authority
15 provided under this heading is in addition to any other
16 transfer authority provided by law: *Provided further*, That
17 such amount in this paragraph is designated by Congress
18 as an emergency requirement pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985, as amended: *Provided further*,
21 That such amounts shall be available only if the President
22 designates such amount as an emergency requirement pur-
23 suant to section 251(b)(2)(A).

1 Iron Dome and David's Sling defense systems: *Provided*
2 *further*, That such amount is designated by Congress as
3 being for an emergency requirement pursuant to section
4 251(b)(2)(A) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985, as amended: *Provided further*,
6 That such amounts shall be available only if the President
7 designates such amount as an emergency requirement pur-
8 suant to section 251(b)(2)(A).

9 DEFENSE PRODUCTION ACT PURCHASES

10 For an additional amount for "Defense Production
11 Act Purchases", \$198,600,000, to remain available until
12 expended, for activities by the Department of Defense pur-
13 suant to sections 108, 301, 302, and 303 of the Defense
14 Production Act of 1950 (50 U.S.C. 4518, 4531, 4532, and
15 4533): *Provided*, That such amounts shall be obligated
16 and expended by the Secretary of Defense as if delegated
17 the necessary authorities conferred by the Defense Pro-
18 duction Act of 1950: *Provided further*, That such amount
19 is designated by Congress as an emergency requirement
20 pursuant to section 251(b)(2)(A) of the Balanced Budget
21 and Emergency Deficit Control Act of 1985, as amended:
22 *Provided further*, That such amount shall be available only
23 if the President designates such amount as an emergency
24 requirement pursuant to section 251(b)(2)(A).

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION
3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 DEFENSE-WIDE

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Defense-wide”,
7 \$1,200,000,000, to remain available until September 30,
8 2026, for the Secretary of Defense to provide to the Gov-
9 ernment of Israel for the development of the Iron Beam
10 defense system to counter short-range rocket threats: *Pro-*
11 *vided*, That such funds shall be transferred pursuant to
12 an exchange of letters: *Provided further*, That nothing in
13 the preceding proviso shall be construed to apply to
14 amounts made available in prior appropriations Acts for
15 the development of the Iron Beam defense system: *Pro-*
16 *vided further*, That such amount is designated by Congress
17 as being for an emergency requirement pursuant to sec-
18 tion 251(b)(2)(A) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985, as amended: *Provided further*,
20 That such amounts shall be available only if the President
21 designates such amount as an emergency requirement pur-
22 suant to section 251(b)(2)(A).

1 DEPARTMENT OF STATE AND RELATED
2 AGENCY

3 DEPARTMENT OF STATE
4 ADMINISTRATION OF FOREIGN AFFAIRS
5 DIPLOMATIC PROGRAMS

6 For an additional amount for “Diplomatic pro-
7 grams”, \$150,000,000, to remain available until Sep-
8 tember 30, 2025, of which \$50,000,000 shall be for re-
9 sponding to the situation in Israel and areas impacted by
10 the situation in Israel, and of which \$100,000,000 shall
11 be available until expended for Worldwide Security Protec-
12 tion to respond to the situation in Israel and areas im-
13 pacted by the situation in Israel: *Provided*, That such
14 amount is designated by Congress as an emergency re-
15 quirement pursuant to section 251(b)(2)(A) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985,
17 as amended: *Provided further*, That such amount shall be
18 available only if the President designates such amount as
19 an emergency requirement pursuant to section
20 251(b)(2)(A).

21 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
22 SERVICE

23 For an additional amount for “Emergencies in the
24 Diplomatic and Consular Service”, \$50,000,000, to re-
25 main available until September 30, 2025, to meet unfore-

1 seen emergencies arising in the diplomatic and consular
2 service: *Provided*, That such amount is designated by Con-
3 gress as an emergency requirement pursuant to section
4 251(b)(2)(A) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985, as amended: *Provided further*,
6 That such amount shall be available only if the President
7 designates such amount as an emergency requirement pur-
8 suant to section 251(b)(2)(A).

9 EXPANDED TRANSFER AUTHORITY FOR CONSULAR AND
10 BORDER SECURITY PROGRAMS

11 During fiscal years 2024 and 2025, funds deposited
12 in the consular and border security programs account in
13 any fiscal year that are available for obligation may be
14 transferred to, and merged with, funds appropriated by
15 any Act making appropriations for the Department of
16 State, foreign operations, and related programs under the
17 headings “Diplomatic Programs” (including for worldwide
18 security protection), “Embassy Security, Construction,
19 and Maintenance”, and “Emergencies in the Diplomatic
20 and Consular Service”, for emergency evacuations or to
21 prevent or respond to security situations and require-
22 ments: *Provided*, That any such transfer shall be subject
23 to prior consultation with, and the regular notification
24 procedures of, the Committee on Appropriations of the
25 Senate and the House of Representatives: *Provided fur-*

1 *ther*, That such transfer authority is in addition to any
2 transfer authority otherwise available in this Act and
3 under any other provision of law.

4 INTERNATIONAL SECURITY ASSISTANCE

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 FOREIGN MILITARY FINANCING PROGRAM

7 For an additional amount for “Foreign Military Fi-
8 nancing Program”, \$3,500,000,000, to remain available
9 until September 30, 2025, which shall be for responding
10 to the situation in Israel and related expenses: *Provided*,
11 That funds made available under this heading in this Act
12 and Acts making appropriations for the Department of
13 State, foreign operations, and related programs for fiscal
14 year 2024, and prior fiscal years, in addition to funds oth-
15 erwise available for such purposes, may be used by the
16 Department of State for necessary expenses for the gen-
17 eral costs of administering military assistance and sales,
18 including management and oversight of such programs
19 and activities: *Provided further*, That direct loans made
20 using amounts described in the preceding proviso may be
21 made notwithstanding any provision of law limiting the in-
22 terest rate charged to borrowers: *Provided further*, That
23 loan guarantees made using amounts described in the sec-
24 ond proviso under this heading for loans financed by the
25 Federal Financing Bank may be provided notwithstanding

1 any provision of law limiting the percentage of loan prin-
2 cipal that may be guaranteed: *Provided further*, That, to
3 the extent that the Government of Israel requests that
4 funds be used for such purposes, grants made available
5 for Israel under this heading shall, as agreed by the
6 United States and Israel, be available for advanced weap-
7 ons systems, of which up to \$3,500,000,000 may be avail-
8 able for the procurement in Israel of defense articles and
9 defense services: *Provided further*, That any congressional
10 notification requirement applicable to funds made avail-
11 able under this heading for Israel may be waived if a de-
12 termination is made that extraordinary circumstances
13 exist that impact the national security of the United
14 States: *Provided further*, That such amount is designated
15 by Congress as an emergency requirement pursuant to
16 section 251(b)(2)(A) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985, as amended: *Provided*
18 *further*, That such amount shall be available only if the
19 President designates such amount as an emergency re-
20 quirement pursuant to section 251(b)(2)(A).

21 **TITLE II—GENERAL PROVISIONS**

22 **SEC. 201. DRAWDOWN AUTHORITY.**

23 (a) IN GENERAL.—Section 506(a) of the Foreign As-
24 sistance Act of 1961 (22 U.S.C. 2318(a)) is amended by
25 adding at the end the following new paragraph:

1 “(4) For fiscal year 2024, in addition to
2 amounts otherwise specified in this section, the
3 President may direct the drawdown of defense arti-
4 cles from the stocks of the Department of Defense,
5 defense services of the Department of Defense, and
6 military education and training, of an aggregate
7 value not to exceed \$7,000,000,000, to be provided
8 to Israel.”.

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

13 “(C) For fiscal year 2024, in addition to
14 amounts otherwise specified in this section, an ag-
15 gregate value not to exceed \$200,000,000 of any
16 such articles, services, and military education and
17 training may be provided to Israel pursuant to sub-
18 paragraph (A) of this paragraph, not more than
19 \$75,000,000 of which may be provided from the
20 drawdown from the inventory and resources of the
21 Department of Defense.”.

22 (c) EMERGENCY TRANSFER OF FUNDS.—Section
23 552(c) of the Foreign Assistance Act of 1961 (22 U.S.C.
24 2348a(c)) is amended by adding at the end the following:
25 “For fiscal year 2024, in addition to the aggregate value

1 of \$25,000,000 authorized in the text in paragraph (1)
2 designated as paragraph (2) of the sentence preceding the
3 immediately preceding sentence, the President may direct
4 the drawdown of commodities and services from the inven-
5 tory and resources of any agency of the United States
6 Government for the purposes of providing necessary and
7 immediate assistance to Israel of a value not to exceed
8 \$25,000,000.”.

9 (d) SPECIAL AUTHORITIES.—Section 614(a)(4) of
10 the Foreign Assistance Act of 1961 (22 U.S.C.
11 2364(a)(4)) is amended by adding at the end the following
12 new subparagraph:

13 “(D) Notwithstanding the limitations in this
14 subsection and in addition to other amounts in this
15 subsection, in fiscal year 2024, the authority of this
16 subsection may be used to authorize the use of up
17 to \$1,000,000,000 of funds made available for use
18 under this chapter or the Arms Export Control Act
19 (22 U.S.C. 2751 et seq.), to be provided to Israel.”.

20 (e) TRANSFER OF FUNDS.—During fiscal year 2024,
21 section 610(a) of the Foreign Assistance Act of 1961 (22
22 U.S.C. 2360) shall be applied by substituting “20 per cen-
23 tum” for “10 per centum” and “40 per centum” for “20
24 per centum”.

1 **SEC. 202. DEPARTMENT OF DEFENSE STOCKPILES.**

2 Section 12001 of the Department of Defense Appro-
3 priations Act, 2005 (Public Law 108–287), as amended
4 by Public Law 115–141, is amended as follows:

5 (1) in paragraph (2) of subsection (a), by strik-
6 ing “armor” and all that follows through the period
7 at the end and inserting “defense articles that are
8 in the inventory of the Department of Defense as of
9 the date of transfer, are intended for use as reserve
10 stocks for Israel, and are located in a stockpile for
11 Israel as of the date of transfer.”;

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

16 (3) in subsection (c), by inserting after “au-
17 thority of this section” the following: “, or as far in
18 advance of such transfer as is practicable as deter-
19 mined by the President on a case-by-case basis dur-
20 ing extraordinary circumstances impacting the na-
21 tional security of the United States”.

22 **SEC. 203. FISCAL YEAR LIMITS ON NEW STOCKPILES OR AD-**
23 **DITIONS TO EXISTING STOCKPILES LOCATED**
24 **IN FOREIGN COUNTRIES.**

25 For fiscal year 2024, section 514(b) of the Foreign
26 Assistance Act of 1961 (22 U.S.C. 2321h(b)) shall not

1 apply to defense articles to be set aside, earmarked, re-
2 served, or intended for use as reserve stocks in stockpiles
3 in the State of Israel.

4 **SEC. 204. GENERAL AUTHORITIES AND CONDITIONS.**

5 Unless otherwise provided for by this Act, the addi-
6 tional amounts appropriated to appropriations accounts in
7 this Act shall be available under the authorities and condi-
8 tions applicable to such appropriations accounts for fiscal
9 year 2024.

10 **SEC. 205. LIMITATIONS.**

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

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

14 (2) for assistance to any entity that is—

15 (A) located in the territory of Gaza; or

16 (B) is controlled or influenced by Hamas,

17 Palestinian Islamic Jihad, or any other organi-

18 zation designated by the Secretary of State as

19 a foreign terrorist organization under section

20 219 of the Immigration and Nationality Act (8

21 U.S.C. 1189).

22 **SEC. 206. RULE OF CONSTRUCTION.**

23 Nothing in this Act may be construed to constitute

24 a specific statutory authorization for the introduction of

25 United States Armed Forces into hostilities or into situa-

1 tions wherein hostilities are clearly indicated by the cir-
2 cumstances.

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

4 This Act may be cited as the “Israel Supplemental
5 Appropriations Act of 2023”.