

118TH CONGRESS
1ST SESSION

S. 3210

Making emergency supplemental appropriations to respond to the attacks in Israel for the fiscal year ending September 30, 2024, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2023

Mr. MARSHALL (for himself, Mr. VANCE, Mr. SCOTT of Florida, Mr. BRAUN, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Appropriations

A BILL

Making emergency supplemental appropriations to respond to the attacks 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 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2024, and for other pur-
6 poses, namely:

1 TITLE I
2 DEPARTMENT OF DEFENSE
3 OPERATION AND MAINTENANCE
4 OPERATION AND MAINTENANCE, DEFENSE-WIDE
5 (INCLUDING TRANSFER OF FUNDS)
6 For an additional amount for “Operation and Main-
7 tenance, Defense-Wide”, \$4,400,000,000, to remain avail-
8 able until September 30, 2025, to respond to the attacks
9 in Israel: *Provided*, That such amounts may be transferred
10 to accounts under the headings “Operation and Mainte-
11 nance” and “Procurement” for replacement of defense ar-
12 ticles from the stocks of the Department of Defense, and
13 for reimbursement for defense services of the Department
14 of Defense and military education and training, provided
15 to Israel or identified and notified to Congress for provi-
16 sion to Israel: *Provided further*, That funds transferred
17 pursuant to the previous proviso shall be merged with and
18 available for the same purposes and for the same time pe-
19 riod as the appropriations to which the funds are trans-
20 ferred: *Provided further*, That the Secretary of Defense
21 shall notify the congressional defense committees of the
22 details of such transfers not less than 15 days before any
23 such transfer: *Provided further*, That upon a determina-
24 tion that all or part of the funds transferred from this
25 appropriation are not necessary for the purposes provided

1 under this heading, such amounts may be transferred back
2 and merged with this appropriation: *Provided further*,
3 That any transfer authority provided under this heading
4 is in addition to any other transfer authority provided by
5 law: *Provided further*, That such amount is designated by
6 the Congress as an emergency requirement pursuant to
7 section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985, as amended.

9 PROCUREMENT

10 PROCUREMENT OF AMMUNITION, ARMY

11 For an additional amount for “Procurement of Am-
12 munition, Army”, \$801,400,000, to remain available until
13 September 30, 2026, to respond to the attacks in Israel:
14 *Provided*, That such amount is designated by the Congress
15 as an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985, as amended.

18 WEAPONS PROCUREMENT, NAVY

19 For an additional amount for “Weapons Procure-
20 ment, Navy”, \$10,000,000, to remain available until Sep-
21 tember 30, 2026, to respond to the attacks in Israel: *Pro-*
22 *vided*, That such amount is designated by the Congress
23 as an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985, as amended.

1 MISSILE PROCUREMENT, AIR FORCE

2 For an additional amount for “Missile Procurement,
3 Air Force”, \$38,600,000, to remain available until Sep-
4 tember 30, 2026, to respond to the attacks in Israel: *Pro-*
5 *vided*, That such amount is designated by the Congress
6 as an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985, as amended.

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$4,000,000,000, to remain available until
12 September 30, 2026, for the Secretary of Defense to pro-
13 vide to the Government of Israel for the procurement of
14 the Iron Dome and David’s Sling defense systems to
15 counter short-range rocket threats: *Provided*, That such
16 funds shall be transferred pursuant to an exchange of let-
17 ters and are in addition to funds provided pursuant to the
18 U.S.-Israel Iron Dome Procurement Agreement, as
19 amended: *Provided further*, That nothing under this head-
20 ing shall be construed to apply to amounts made available
21 in prior appropriations Acts for the procurement of the
22 Iron Dome and David’s Sling defense systems: *Provided*
23 *further*, That such amount is designated by the Congress
24 as an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985, as amended.

3 RESEARCH, DEVELOPMENT, TEST AND

4 EVALUATION

5 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

6 DEFENSE-WIDE

7 (INCLUDING TRANSFERS OF FUNDS)

8 For an additional amount for “Research, Develop-
9 ment, Test and Evaluation, Defense-Wide”,
10 \$1,350,000,000, to remain available until September 30,
11 2025, to respond to the attacks in Israel, of which
12 \$1,200,000,000 shall be for the Secretary of Defense to
13 provide to the Government of Israel for the development
14 of the Iron Beam defense system to counter short-range
15 rocket threats: *Provided*, That such funds shall be trans-
16 ferred pursuant to an exchange of letters: *Provided fur-*
17 *ther*, That nothing in the preceding proviso shall be con-
18 strued to apply to amounts made available in prior appro-
19 priations Acts for the development of the Iron Beam de-
20 fense system: *Provided further*, That such amounts may
21 be transferred to “Procurement, Defense-Wide” for the
22 production of such system: *Provided further*, That the Sec-
23 retary of Defense shall notify the congressional defense
24 committees of the details of such transfers not less than
25 15 days before any such transfer: *Provided further*, That

1 upon a determination that all or part of the funds trans-
2 ferred from this appropriation are not necessary for the
3 purposes provided under this heading, such amounts may
4 be transferred back and merged with this appropriation:
5 *Provided further*, That any transfer authority provided
6 under this heading is in addition to any other transfer au-
7 thority provided by law: *Provided further*, That such
8 amount is designated by the Congress as an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985, as amended.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 101. Section 12001 of the Department of De-
14 fense Appropriations Act, 2005 (Public Law 108–287), as
15 amended by Public Law 115–141, is amended as follows:

16 (1) In paragraph (2) of subsection (a), by strik-
17 ing “armor” and all that follows through the end of
18 the paragraph and inserting “defense articles that
19 are in the inventory of the Department of Defense
20 as of the date of transfer, are intended for use as
21 reserve stocks for Israel, and are located in a stock-
22 pile for Israel as of the date of transfer”;

23 (2) In subsection (b), by striking “at least
24 equal to the fair market value of the items trans-

1 ferred” and inserting “in an amount to be deter-
2 mined by the Secretary of Defense”; and

3 (3) In subsection (c), by striking “30” and in-
4 serting “15”, and by inserting “Appropriations,”
5 after “Committees on” in both places it occurs.

6 SEC. 102. During fiscal year 2024, section 514(b) of
7 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b))
8 shall not apply to defense articles to be set aside, ear-
9 marked, reserved, or intended for use as reserve stocks
10 in stockpiles in the State of Israel.

11 SEC. 103. Not later than 30 days after the date of
12 enactment of this Act, and every 30 days thereafter
13 through fiscal year 2025, the Secretary of Defense, in co-
14 ordination with the Secretary of State, shall provide a
15 written report to the Committees on Appropriations,
16 Armed Services, and Foreign Affairs of the House of Rep-
17 resentatives and the Committees on Appropriations,
18 Armed Services, and Foreign Relations of the Senate de-
19 scribing United States security assistance provided to
20 Israel since the October 7, 2023, terrorist attack on Israel,
21 including a comprehensive list of the defense articles and
22 services provided to Israel and the associated authority
23 and funding used to provide such articles and services:
24 *Provided*, That such report shall be submitted in unclassi-
25 fied form, but may be accompanied by a classified annex.

1 lated programs for fiscal year 2024, in addition to funds
2 otherwise available for such purposes, may be used by the
3 Department of State for necessary expenses for the gen-
4 eral costs of administering military assistance and sales,
5 including management and oversight of such programs
6 and activities: *Provided further*, That, to the extent that
7 the Government of Israel requests that funds be used for
8 such purposes, grants made available for Israel under this
9 heading shall, as agreed by the United States and Israel,
10 be available for advanced weapons systems, of which up
11 to \$3,500,000,000 may be available for the procurement
12 in Israel of defense articles and defense services: *Provided*
13 *further*, That any congressional notification requirement
14 applicable to funds made available under this heading for
15 Israel may be waived if a determination is made that ex-
16 traordinary circumstances exist that impact the national
17 security of the United States: *Provided further*, That such
18 amount is designated by the Congress as an emergency
19 requirement pursuant to section 251(b)(2)(A)(i) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985, as amended.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 201. (a) During fiscal year 2024, and subject
24 to subsection (b), section 506(a)(1) of the Foreign Assist-

1 ance Act of 1961 (22 U.S.C. 2318(a)(1)) shall be applied
2 by substituting “\$2,500,000,000” for “\$100,000,000”.

3 (b) Subsection (a) shall not take effect unless the
4 Secretary of State determines and reports to the appro-
5 priate congressional committees that the exercise of the
6 authority of such subsection is necessary to respond to the
7 situation in Israel.

8 SEC. 202. Not later than 30 days after the date of
9 enactment of this Act, the Secretary of State shall submit
10 to the Committees on Appropriations a report on the pro-
11 posed uses of funds appropriated by this title to respond
12 to the situation in Israel: *Provided*, That such report shall
13 be updated and submitted to such Committees every 60
14 days thereafter until September 30, 2025, and every 180
15 days thereafter until all funds have been expended, and
16 shall include information detailing how estimates and as-
17 sumptions contained in previous reports have changed, in-
18 cluding obligations and expenditures.

19 TITLE III

20 GENERAL PROVISIONS—THIS ACT

21 SEC. 301. Each amount appropriated or made avail-
22 able by this Act is in addition to amounts otherwise appro-
23 priated for the fiscal year involved.

1 priated or otherwise made available for activities of the
2 Internal Revenue Service by paragraphs (1)(A)(ii),
3 (1)(A)(iii), (1)(B), (2), (3), (4), and (5) of section 10301
4 of Public Law 117–169 (commonly known as the “Infla-
5 tion Reduction Act of 2022”) as of the date of the enact-
6 ment of this Act, \$14,300,000,000 are hereby rescinded.

7 (b) CLASSIFICATION OF BUDGETARY EFFECTS.—
8 Notwithstanding Rule 3 of the Budget Scorekeeping
9 Guidelines set forth in the joint explanatory statement of
10 the committee of conference accompanying Conference Re-
11 port 105–217 and section 250(c)(8) of the Balanced
12 Budget and Emergency Deficit Control Act of 1985, the
13 budgetary effects of this section shall not be estimated—

14 (1) for purposes of section 251 of such Act;

15 (2) for purposes of an allocation to the Com-
16 mittee on Appropriations pursuant to section 302(a)
17 of the Congressional Budget Act of 1974; and

18 (3) for purposes of paragraph (4)(C) of section
19 3 of the Statutory Pay-As-You-Go Act of 2010 as
20 being included in an appropriation Act.

21 This Act may be cited as the “Israel Security Supple-
22 mental Appropriations Act, 2024”.

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