

# [DISCUSSION DRAFT]

118TH CONGRESS  
2D SESSION

## H. R. \_\_\_\_

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

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### IN THE HOUSE OF REPRESENTATIVES

Mr. MCCAUL introduced the following bill; which was referred to the Committee on

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## A BILL

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

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

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Maintaining Our Ironclad Commitment to Israel’s Security Act”.

#### **SEC. 2. FINDINGS.**

Congress finds the following:

(1) In 2016 the Obama Administration concluded negotiations with Israel for a 10-year Memorandum of Understanding covering security assistance for fiscal years 2018

to 2028 that affirmed “the unshakeable commitment of the United States to Israel’s security”.

(2) In May 2024, the Biden Administration delayed shipment of 1,800 2,000-pound bombs and 1,700 500-pound bombs to Israel in an effort to place political pressure on the Government of Israel.

(3) This decision of the Biden Administration was made without consulting or notifying Congress and despite repeated public assurances that the United States-Israel relationship was “ironclad” and that there was “no change in policy”.

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

### **SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) Israel has a right to defend itself, which includes the need for offensive capabilities in order to deter and defeat threats, including those posed by Iran and its terrorist proxies Hamas, Hezbollah, and the Houthis;

(2) previously negotiated and approved United States arms sales to Israel should proceed, and all pauses should be lifted, to ensure that Israel is properly equipped to defend itself and defeat threats, including those posed by Iran and its terrorist proxies Hamas, Hezbollah, and the Houthis; and

(3) limiting or otherwise delaying the sale or delivery of United States-made defense articles to Israel runs counter to the commitments the United States made to Israel as part of the 2016 Memorandum of Understanding and undermines regional security, including prospective advances in Israel-Saudi normalization.

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

(a) IN GENERAL.—The President may not take any action to pause, suspend, delay, or abrogate the delivery of covered defense articles or defense services to Israel, including as part of a policy review, unless, not less than 15 days prior to such action, the President provides the notification described in (b) relating to such pause, suspension, delay, or abrogation\ in unclassified form, with a classified annex as necessary, to the appropriate congressional committees.

(b) NOTIFICATION DESCRIBED.—The notification relating to a pause, suspension, delay, or abrogation to the delivery of covered defense articles or defense services shall include the following:

(1) An identification of the end user of the articles or services.

(2) A detailed description of the type of articles or services to include the date on which Congress was notified of the transfer of the articles or services.

(3) A policy justification for the pause, suspension, delay, or abrogation and a description of the potential impact such action may have on United States national security interests.

(4) An identification of conditions for lifting the pause, suspension, delay, or abrogation and whether such conditions will be communicated to the Government of Israel and the timeline for meeting such conditions.

(5) A description of the sources of funds, including an identification of appropriations accounts if applicable, used to provide the articles or services.

(6) An identification of any bilateral agreement or memorandum of understanding related to the authority to provide the articles or services.

(7) A description as to whether the action would adversely affect Israel's qualitative military edge over military threats to Israel.

(c) DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the term “qualitative military edge” has the meaning given that term in section 36(h)(3) of the Arms Export Control Act (22 U.S.C. 2776(h)(3)).

## **SEC. 5. CONGRESSIONAL REVIEW.**

(a) LIMITATION ON ACTIONS DURING INITIAL CONGRESSIONAL REVIEW PERIOD.—During the 15 day period following the submission of a notification described in section 4(b), the President may not take any action to pause, suspend, delay, or abrogate the delivery of covered defense articles or services to Israel described in such notification.

(b) LIMITATION ON ACTIONS AFTER INTRODUCTION OF A JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval relating to notification described in section 4(b) is introduced, the President may not take any action relating to the pause, suspension, delay, or abrogation to the delivery of covered defense articles or defense services described in such notification for a period of 10 calendar days, unless the joint resolution sooner passes both Houses of Congress.

(c) LIMITATION ON ACTIONS DURING PRESIDENTIAL CONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval relating to notification described in section 4(b) passes both Houses of Congress, the President may not take any action relating to the pause, suspension, delay, or abrogation to the delivery of covered defense articles or defense services described in such notification for a period of 12 calendar days after the date of

passage of the joint resolution of disapproval, unless the President sooner vetoes the joint resolution of disapproval.

(d) LIMITATION ON ACTIONS DURING CONGRESSIONAL RECONSIDERATION OF A JOINT RESOLUTION OF DISAPPROVAL.—If the President vetoes the joint resolution of disapproval, the President may not take the action described in such notification for a period of 10 calendar days after the date of the President’s veto, unless the joint resolution sooner fails of passage on reconsideration in either House.

(e) EFFECT OF ENACTMENT OF A JOINT RESOLUTION OF DISAPPROVAL.—If a joint resolution of disapproval relating to notification described in section 4(b) is enacted into law, the President may not take any action relating to the pause, suspension, delay, or abrogation to the delivery of covered defense articles or services to Israel described in such notification for a period of 180 days, at which point, the President must submit a new notification relating to such action.

(f) JOINT RESOLUTIONS OF DISAPPROVAL.—

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

(A) the title of which is as follows: “A joint resolution disapproving the President’s proposal to pause, suspend, delay, or abrogate the delivery of covered defense articles or defense services to Israel.”; and

(B) the sole matter after the resolving clause of which is the following: “Congress disapproves of the action relating to pause, suspend, delay, or abrogate the delivery of covered defense articles or defense services to Israel proposed by the President in the notification described in section 4(b) of the Maintaining Our Ironclad Commitment to Israel’s Security Act on \_\_\_\_\_ relating to \_\_\_\_\_, with the first blank space being filled with the appropriate date and the second blank

space being filled with a short description of the proposed action.

(2) INTRODUCTION.—During the period of 15 calendar days provided for under subsection (b)(1), a joint resolution of disapproval may be introduced—

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

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee).

(3) FLOOR CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(A) REPORTING AND DISCHARGE.—If a committee of the House of Representatives to which a joint resolution of disapproval has been referred has not reported the joint resolution within 5 legislative days after the date of referral, that committee shall be discharged from further consideration of the joint resolution.

(B) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after each committee to which a joint resolution has been referred reports the joint resolution to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

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

resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A joint resolution of disapproval introduced in the Senate shall be referred to the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported the joint resolution within 5 calendar days after the date of referral of the joint resolution, that committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Foreign Relations reports a joint resolution of disapproval to the Senate or has been discharged from consideration of such a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution of disapproval shall be decided without debate.

(E) CONSIDERATION OF VETO MESSAGES.—

Debate in the Senate of any veto message with respect to a joint resolution of disapproval, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

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

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

(i) The joint resolution of the other House shall not be referred to a committee.

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

(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

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

(B) TREATMENT OF A JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce a joint resolution under this section, the joint resolution of the other House shall be entitled to expedited floor procedures under this section.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives a companion measure from the



House of Representatives, the companion measure shall not be debatable.

(D) APPLICATION TO REVENUE MEASURES.—  
The provisions of this paragraph shall not apply in the House of Representatives to a joint resolution of disapproval that is a revenue measure.

(6) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 6. COVERED DEFENSE ARTICLES AND DEFENSE SERVICES DEFINED.**

In this Act, the term “covered defense articles and defense services” means those defense articles and defense services that are provided under any of the following authorities:

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

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

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

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

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