

“(B) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva June 17, 1925; and

“(C) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on October 26, 1979.

“(b) ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION EXCEPTION.—The President, consistent with the commitments of the United States under international arrangements, shall take steps so that Israel may be included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of title 15, Code of Federal Regulations, to the requirement for a license for the export, reexport, or in-country transfer of an item subject to controls under the Export Administration Regulations.”

#### § 8604. Reports required

##### (a) Report on Israel’s qualitative military edge (QME)

###### (1) In general

Not later than 180 days after July 27, 2012, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of Israel’s qualitative military edge in light of current trends and instability in the region.

###### (2) Substitution for quadrennial report

If submitted within one year of the date that the first quadrennial report required by section 201(c)(2) of the Naval Vessel Transfer Act of 2008 (Public Law 110–429; 22 U.S.C. 2776 note) is due to be submitted, the report required by paragraph (1) may substitute for such quadrennial report.

##### (b) Reports on other matters

Not later than 180 days after July 27, 2012, the President shall submit to the appropriate congressional committees a report on each of the following matters:

(1) Taking into account the Government of Israel’s urgent requirement for F–35 aircraft, actions to improve the process relating to its purchase of F–35 aircraft, particularly with respect to cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland security, counter-terrorism, maritime security, energy, cyber-security, and other related areas.

(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

(Pub. L. 112–150, § 6, July 27, 2012, 126 Stat. 1148.)

#### DELEGATION OF CERTAIN FUNCTIONS UNDER SECTION 6 OF PUBLIC LAW 112–150

Memorandum of President of the United States, Jan. 15, 2013, 78 F.R. 5705, provided that:

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you all functions conferred upon the President by subsections (a) and (b) of section 6 of Public Law 112–150. You will exercise these functions in coordination with the Secretary of Defense.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

#### § 8605. Definitions

In this chapter:

##### (1) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

##### (2) Qualitative military edge

The term “qualitative military edge” has the meaning given the term in section 2776(h)(2)<sup>1</sup> of this title.

(Pub. L. 112–150, § 7, July 27, 2012, 126 Stat. 1149.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 112–150, July 27, 2012, 126 Stat. 1146, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8601 of this title and Tables.

Section 2776(h)(2) of this title, referred to in par. (2), was redesignated section 2776(h)(3) of this title by Pub. L. 113–296, § 11(b)(1), Dec. 19, 2014, 128 Stat. 4078.

#### § 8606. United States-Israel cooperation on energy, water, homeland security, agriculture, and alternative fuel technologies

##### (a) In general

The President is authorized, subject to existing law—

(1) to undertake activities in cooperation with Israel; and

(2) to provide assistance promoting cooperation in the fields of energy, water, agriculture, and alternative fuel technologies.

##### (b) Requirements

In carrying out subsection (a), the President is authorized, subject to existing requirements of law and any applicable agreements or understandings between the United States and Israel—

(1) to share and exchange with Israel research, technology, intelligence, information, equipment, and personnel, including through sales, leases, or exchanges in kind, that the President determines will advance the national security interests of the United States and are consistent with the Strategic Dialogue and pertinent provisions of law; and

(2) to enhance scientific cooperation between Israel and the United States.

##### (c) Cooperative research programs

The Secretary of Homeland Security, acting through the Director of the Homeland Security Advanced Research Projects Agency and with the concurrence of the Secretary of State, is authorized, subject to existing law, to enter into cooperative research programs with Israel to enhance Israel’s capabilities in—

<sup>1</sup> See References in Text note below.

- (1) border, maritime, and aviation security;
- (2) explosives detection;
- (3) emergency services; and
- (4) cybersecurity.

(Pub. L. 113–296, § 7, Dec. 19, 2014, 128 Stat. 4077; Pub. L. 114–304, § 2(b), Dec. 16, 2016, 130 Stat. 1520.)

#### CODIFICATION

Section was enacted as part of the United States-Israel Strategic Partnership Act of 2014, and not as part of the United States-Israel Enhanced Security Cooperation Act of 2012 which comprises this chapter.

#### AMENDMENTS

2016—Subsec. (c). Pub. L. 114–304, § 2(b)(1), (2), struck out “pilot” before “programs” in heading and in introductory provisions.

Subsec. (c)(4). Pub. L. 114–304, § 2(b)(3)–(5), added par. (4).

#### UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS

Pub. L. 116–92, div. A, title XII, § 1278, Dec. 20, 2019, 133 Stat. 1702, provided that:

“(a) AUTHORITY TO ESTABLISH CAPABILITIES TO COUNTER UNMANNED AERIAL SYSTEMS.—

“(1) IN GENERAL.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation activities, on a joint basis with Israel, to establish capabilities for countering unmanned aerial systems that threaten the United States or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive technology and information and the national security interests of the United States and Israel.

“(2) REPORT.—The activities described in paragraph (1) and subsection (b) may not be carried out until after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

“(A) A memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

“(B) A certification that the memorandum of agreement—

“(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

“(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

“(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

“(b) SUPPORT IN CONNECTION WITH THE PROGRAM.—

“(1) IN GENERAL.—The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the research, development, test, and evaluation activities authorized in subsection (a)(1). Such authority includes authority to install equipment necessary to carry out such research, development, test, and evaluation activities.

“(2) REPORT.—Support may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

“(3) MATCHING CONTRIBUTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), support may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of support to be so provided to the program, project, or activity for which the support is to be so provided in the calendar year in which the support is provided.

“(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement identified by the United States with respect to countering unmanned aerial systems.

“(4) ANNUAL LIMITATION ON AMOUNT.—The amount of support provided under this subsection in any year may not exceed \$25,000,000.

“(5) USE OF CERTAIN AMOUNTS FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.

“(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

“(d) SEMIANNUAL REPORTS.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

“(f) SUNSET.—The authority in this section to carry out activities described in subsection (a), and to provide support described in subsection (b), shall expire on December 31, 2024.”

#### UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION

Pub. L. 114–92, div. A, title XII, § 1279, Nov. 25, 2015, 129 Stat. 1079, as amended by Pub. L. 114–328, div. A, title XII, § 1295(a), (b), Dec. 23, 2016, 130 Stat. 2562; Pub. L. 115–91, div. A, title XII, § 1278(a), Dec. 12, 2017, 131 Stat. 1700; Pub. L. 115–232, div. A, title XII, § 1272(a), Aug. 13, 2018, 132 Stat. 2066; Pub. L. 116–92, div. A, title XII, § 1279, Dec. 20, 2019, 133 Stat. 1703, provided that:

“(a) AUTHORITY TO ESTABLISH ANTI-TUNNEL CAPABILITIES PROGRAM WITH ISRAEL.—

“(1) IN GENERAL.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation, on a joint basis with Israel, to establish anti-tunnel capabilities to detect, map, and neutralize underground tunnels that threaten the United States or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive information and United States and Israel national security interests.

“(2) REPORT.—The activities described in paragraph (1) and subsection (b) may be carried out after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

“(A) A memorandum of agreement between the United States and Israel regarding sharing of re-

search and development costs for the capabilities described in paragraph (1), and any supporting documents.

“(B) A certification that the memorandum of agreement—

“(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

“(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

“(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

“(b) SUPPORT IN CONNECTION WITH PROGRAM.—

“(1) IN GENERAL.—The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the anti-tunnel capabilities research, development, test, and evaluation activities authorized in subsection (a)(1). Such authority includes authority to install equipment necessary to carry out such research, development, test, and evaluation.

“(2) REPORT.—Support may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

“(3) MATCHING CONTRIBUTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), support may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of support to be so provided to the program, project, or activity for which the support is to be so provided in the calendar year in which the support is provided.

“(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement identified by the United States with respect to anti-tunnel capabilities.

“(4) ANNUAL LIMITATION ON AMOUNT.—The amount of support provided under this subsection in any year may not exceed \$50,000,000.

“(5) USE OF CERTAIN AMOUNTS FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.

“(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

“(d) SEMIANNUAL REPORTS.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

“(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

“(f) SUNSET.—The authority in this section to carry out activities described in subsection (a), and to pro-

vide support described in subsection (b), shall expire on December 31, 2024.”

#### CONSTRUCTIVE REGIONAL ENERGY COOPERATION

Pub. L. 113-296, §12(c)(2), Dec. 19, 2014, 128 Stat. 4081, provided that: “The Secretary of State shall continue the ongoing diplomacy efforts of the Secretary of State in—

“(A) engaging and supporting the energy security of Israel; and

“(B) promoting constructive regional energy cooperation in the Eastern Mediterranean.”

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