

Congress Is Poised to Pass Far-reaching Israeli Wish List

Congress is set to pass its most far-reaching bill related to Israel at the height of a national public health emergency.

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With the Senate Foreign Relations Committee's passage of the [United States-Israel Security Assistance Authorization Act of 2020](#) last week, the current Congress is now poised to enact with little transparency its most far-reaching bill related to Israel at the height of a national public health emergency.

According to [Lara Friedman](#), President of the Foundation for Middle East Peace (FMEP), the committee vote took place "without even bothering with a pretense of public discussion" and was especially egregious because the committee voted on a wholly new version of the bill which "was not made public until long after the hearing ended."

The opacity of the committee's vote on the bill was even more shocking considering its importance.

Ostensibly the main purpose of the bill, S.3176, is to codify in law the levels of military aid and funding for missile defense agreed to by the United States and Israel in a 2016 [Memorandum of Understanding](#) (MOU).

This MOU, pledging a record-breaking \$38 billion for Israel between 2019 and 2028, solidified President Obama's legacy as the president most munificent to Israel.

However, a presidential pledge of weapons to Israel does not automatically result in their delivery. According to the constitution, Congress passes spending bills, and funds first need to be authorized and then appropriated before they can be obligated and expended by the president.

If passed, S.3176 would authorize Congress to appropriate funds for the remaining budgetary years of the MOU. However, if that were the sole purpose of the bill, it merely would be an inconsequential act of grandstanding since it is inconceivable that Congress would fail to appropriate the funds as scheduled every year.

Instead, the real purpose of the bill is to potentially boost military aid to Israel even higher and further enmesh the US-Israeli relationship in various military and economic fields.

According to the MOU, \$3.3 billion per year in foreign military financing (FMF) and \$500 million in missile defense was supposed to have served as a very generous ceiling for US aid. Both sides [committed](#) to "respect the FMF levels specified in this MOU, and not to seek changes to the FMF levels for the duration of this understanding."

S.3176 would authorize \$3.3 billion annually in FMF not as a ceiling, as negotiated by the Obama administration, *but as a floor*. The bill seeks to do so surreptitiously by amending existing [statutory authorization](#) for military aid to Israel by replacing an amount “equal to” with “not less than” \$3.3 billion annually.

In other words, if this bill were to become law, then Israel could receive even more weapons at US taxpayer expense than envisaged under Obama’s MOU.

This is far from the only problematic aspect of the bill, however. It also includes a long Israeli and AIPAC wish list of other perks from the United States. Crucially, the bill would extend for five years congressional permission for the Pentagon to stockpile US weapons in Israel.

Theoretically, these US weapons are prepositioned in Israel for use in a rapid US deployment in the region. In reality, this often overlooked authority allows Israel to access certain US weapons on an emergency basis with no congressional oversight, as Israel did in its 2014 attack on the Gaza Strip and its 2006 war on Lebanon, making the United States further complicit in Israeli war crimes.

David Schenker, who serves as the [Assistant Secretary of State for Near Eastern Affairs](#) in the Trump administration, and who previously worked for AIPAC-affiliated think tank Washington Institute for Near East Policy, stressed the importance of this stockpile in a [Politico](#) Op-Ed.

The stockpile of weapons is a “strategic boon to Israel. The process is streamlined: No 60-day congressional notification is required, and there’s no waiting on delivery,” Schenker wrote. It “is intended to meet primarily Israeli, not American, military contingencies.”

The bill would also authorize Israel to access precision guided munitions from US reserves, and also expresses a vague, non-binding sense of Congress that the United States should “assist” allies such as Israel that are “subject to direct missile threat.”

In the economic sphere, the bill would also authorize expenditures on a hodgepodge of goodies and bilateral projects designed to strengthen US-Israeli ties. These include a two-year extension of authorization for Israel to access US loan guarantees, an indirect form of aid which allows Israel to borrow money internationally at a lower interest rate than would be the case without the United States serving as a guarantor on the loans.

The bill would also authorize \$2 million annually for five years for the US Agency for International Development (USAID) and Israel to “advance common development goals in third countries across a wide variety of sectors, including energy, agriculture, food security, democracy, human rights, governance, economic growth, trade, education, environment, global health, water, and sanitation.”

The notion that USAID and Israel would team up to export their knowledge of these issues is farcical in the extreme, as Israel’s separate-and-unequal rule over the Palestinians disqualifies it from modeling democracy, human rights, or governance, and its deliberate de-development of the Palestinian economy, including through its illegal blockade of the Gaza Strip, has pushed Palestinians to the brink of a humanitarian catastrophe by making many food insecure and severely constricting Palestinian access to health, water, and sanitation.

The bill also authorizes USAID to set up programs to normalize Israel’s economic relations in

the Middle East in the fields mentioned above, although no specific dollar amount is authorized for these projects. This normalization would occur through US funding for joint projects between at least one entity in Israel and at least one unspecified “regional partner.”

Finally, the bill would either encourage or authorize ten additional collaborative projects between Executive Branch agencies, such as the Food and Drug Administration, the Department of Energy, and NASA, and Israel. For an overview of these projects, see Lara Friedman’s excellent explainer in [FMEP’s legislative round-up](#).

The bill is now ready to go to the Senate for a vote, which is sure to happen in plenty of time for Senators to crow about it in their reelection campaigns. If passed, the Senate would then need to reconcile its version of the bill with a similar, but even more extreme, version [passed by the House in July 2019](#) by voice vote.

The House bill, championed by Rep. Ted Deutch (D-FL), would create a loophole in the Arms Export Control Act (AECA) that would enable Israel to break free from the congressional oversight and limitations on the usage of US weapons stipulated in this law.

According to the text of this version, if “Israel is under an existing or imminent threat of military attack”, then the president could waive the AECA and “direct the immediate transfer to Israel of such defense articles or services the President determines to be necessary to assist Israel” in an unlimited amount.

The final version of the bill, which is sure to pass with overwhelming bipartisan support, will therefore either give Israel and AIPAC everything they want, or give them everything they want with no strings attached.

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