AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. BANKS OF INDIANA

At the end of subtitle B of title XII, insert the following new section:

SEC. 12. RULES GOVERNING TRANSFER OF AERIAL REFUELING TANKERS TO ISRAEL.

(a) In General.—Notwithstanding section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)), and subject to subsections (b) and (c) of this section, the President, acting through the Secretary of Defense, may transfer to Israel one or more retired United States aerial refueling tankers, any United States aerial refueling tanker that the Secretary of Defense plans to retire during the two-year period beginning on the date of the enactment of this Act, or any other United States aerial refueling tanker the President considers appropriate, consistent with—

(1) all other requirements set forth in the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); and

(2) the requirements set forth in the Arms Export Control Act (22 U.S.C. 2751 et seq.).
(b) CONDITIONS.—Except in the case of an emergency, as determined by the President, a transfer under subsection (a) may only occur if the transfer—

(1) does not affect the ability of the United States to maintain a sufficient aerial refueling capacity to satisfy United States warfighting requirements;

(2) does not harm the combat readiness of the United States;

(3) does not affect the ability of the United States to meet its commitments to allies with respect to the transfer of aerial refueling capacity; and

(4) is in the national security interest of the United States.

(c) CERTIFICATION.—

(1) IN GENERAL.—Except in the case of an emergency, as determined by the President, not later than 15 days before making a transfer under subsection (a), the Secretary of Defense shall certify to the appropriate congressional committees that the transfer meets the conditions specified in subsection (b).

(2) EMERGENCIES.—In the case of an emergency, as determined by the President, not later
than five days after making a transfer under sub-
section (a), the President shall—

(A) certify to the appropriate congressional
committees that the transfer supports the na-
tional security interests of the United States;
and

(B) provide to the appropriate congres-
sional committees an assessment of the impacts,
risks, and mitigation measures with respect to
the matters referred to in paragraphs (1)
through (4) of subsection (b).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term “appropriate con-
gressional committees” means—

(1) the Committee on Armed Services and the
Committee on Foreign Affairs of the House of Rep-
resentatives; and

(2) the Committee on Armed Services and the
Committee on Foreign Relations of the Senate.