

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:

1 **SEC. 12__ . RULES GOVERNING TRANSFER OF AERIAL RE-**
2 **FUELING TANKERS TO ISRAEL.**

3 (a) IN GENERAL.—Notwithstanding section 514(b)
4 of the Foreign Assistance Act of 1961 (22 U.S.C.
5 2321h(b)), and subject to subsections (b) and (c) of this
6 section, the President, acting through the Secretary of De-
7 fense, may transfer to Israel one or more retired United
8 States aerial refueling tankers, any United States aerial
9 refueling tanker that the Secretary of Defense plans to
10 retire during the two-year period beginning on the date
11 of the enactment of this Act, or any other United States
12 aerial refueling tanker the President considers appro-
13 priate, consistent with—

14 (1) all other requirements set forth in the For-
15 eign Assistance Act of 1961 (22 U.S.C. 2151 et
16 seq.); and

17 (2) the requirements set forth in the Arms Ex-
18 port Control Act (22 U.S.C. 2751 et seq.).

1 (b) CONDITIONS.—Except in the case of an emer-
2 gency, as determined by the President, a transfer under
3 subsection (a) may only occur if the transfer—

4 (1) does not affect the ability of the United
5 States to maintain a sufficient aerial refueling ca-
6 pacity to satisfy United States warfighting require-
7 ments;

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

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

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

15 (c) CERTIFICATION.—

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

23 (2) EMERGENCIES.—In the case of an emer-
24 gency, as determined by the President, not later

1 than five days after making a transfer under sub-
2 section (a), the President shall—

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

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

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

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

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

