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# Key Middle East Provisions Under Consideration in the FY2024 National Defense Authorization Act

Matt Kenney

*Vice President for Government Affairs*

As Congress returns to Washington, D.C. after a long August recess, negotiations between the Senate and House of Representatives on the final contours of this year's National Defense Authorization Act (NDAA) are set to begin in earnest. This follows House approval of its version of the NDAA after robust debate on [July 14](#) and passage of the Senate NDAA on [July 27](#). While the NDAA must pass Congress before the end of the year, hundreds of significant differences will first need to be resolved between the two bills, including ironing out details on key provisions related to the U.S.-Israel bilateral security relationship. It is vital that the House and Senate work diligently to adjudicate differences and pass this year's NDAA on time for a 63rd consecutive year.

A number of measures to strengthen U.S. security in the Middle East are under consideration in either both, just the Senate, or just the House versions of this year's NDAA, including three major provisions inspired by JINSA research:

## What's In Both Bills

- The "Expediting Israeli Aerial Refueling Act of 2023" Encouraging KC-46A Tanker Deliveries to Israel
- "Ensuring Peace Through Strength in Israel Act" to Ensure Sufficient Precision-Guided Munitions are Stored in U.S. War Reserve Stockpile in Israel (WRSA-I)
- Iron Dome Short-Range Rocket Defense System and Israeli Cooperative Missile Defense Program Co-Development and Co-Production
- United States-Israel Anti-Tunnel Cooperation
- Extension and Modification of Authority to Provide Assistance to Counter the Islamic State of Iraq and Syria
- Extension of Authority to Provide Assistance to Vetted Syrian Groups and Individuals

## What's In Just The Senate-Passed NDAA

- "Maritime Architecture and Response to International Terrorism In the Middle East Act of 2023" or "MARITIME Act of 2023"
- Modification of Authority for Cooperation on Directed Energy Capabilities
- Briefing on Nuclear Capabilities of Iran
- Monitoring Iranian Enrichment
- Extension of Prohibition on In-Flight Refueling to Non-United States Aircraft That Engage in Hostilities in the Ongoing Civil War in Yemen

## What's In Just The House-Passed NDAA

- Requirement for Military Exercises Between the United States and Israel
- U.S.-Israel Defense Assessment on Prospective Areas for Future Cooperation
- Plan to Enable Israel to Gain Observer Status in the Euro-NATO Joint Jet Pilot Training Program
- United States-Israel PTSD Collaborative Research
- Prohibition On Transferring Funds to Iran
- Prohibition on Funding Transfers for the Iraqi Badr Organization
- Extension and Modification of Annual Report on Military Power of Iran
- Brief on Technology Transfers and Technical Assistance from the People's Republic of China to Iran
- Report on Iran-Russia Nuclear-Related Cooperation
- Brief on Iranian Hardening of Nuclear Facilities
- Assessment of Support to Iraqi Security Forces and Kurdish Peshmerga Forces to Counter Air and Missile Threats

1. The “[Expediting Israeli Aerial Refueling Act of 2023](#),” in both bills requires the Department of Defense to expedite delivery of KC-46A aerial refueling tankers to Israel;
2. The “[Ensuring Peace Through Strength in Israel Act](#),” versions of which appear in both bills, requires a Department of Defense (DoD) assessment of the type and quantity of precision-guided munitions in the U.S. War Reserve Stockpile in Israel (WRSI) necessary for Israel to protect itself; and
3. The “[Maritime Architecture and Response to International Terrorism In the Middle East Act of 2023](#)” or “**MARITIME Act of 2023**” in the Senate NDAA requires the Secretary of Defense to develop a strategy with America’s Middle East partners to counter growing maritime threats posed by Iran.

## What’s In Both Bills

### The “Expediting Israeli Aerial Refueling Act of 2023” Encouraging KC-46A Tanker Deliveries to Israel

- [Senate Version \(Section 1312\)](#): Requires the DoD to expedite delivery to Israel of KC-46A aerial refueling tankers, currently not due to be provided until 2025; provide training slots for Israeli pilots, maintainers, and air crew on the aircraft; and calls for the U.S. Air Force to consider surging U.S. KC-46s to Israel until their planes are delivered.
- [House Version \(Section 1210C\)](#): Nearly identical provision. An amendment approved during consideration by the full House also provides the Secretary of Defense the authority to transfer recently retired or soon to be retired tankers, or any other tankers the President considers appropriate, to Israel to meet its security requirements.
- **Analysis:** As Iran moves closer to the nuclear threshold, Israel’s aged tankers limit its capabilities to conduct long-range strikes. This visible limitation degrades Israel’s deterrence against Iran and Israel’s ability, if necessary, to prevent Iran from attaining nuclear weapons.
  - » JINSA first raised the issue of expediting delivery to Israel of KC-46s in a 2018 report and has subsequently written regularly on the topic. JINSA’s analysis last spring, [To Offset Dangerous Iran Deal, Expedite KC-46As to Israel](#), inspired this important legislation.

## “Ensuring Peace Through Strength in Israel Act” to Ensure Sufficient Precision-Guided Munitions are Stored in U.S. War Reserve Stockpile in Israel (WRSA-I)

- Senate Version (Section 1399I): Requires a DoD assessment of the type and quantity of precision-guided munitions in America’s WRSA-I necessary for Israel to protect itself and prevail in the event of a sustained armed conflict with Iran and its proxies. It also reauthorizes the WRSA-I for an additional three years.
- House Version (House Armed Services Committee Report): Included as part of the House Armed Services Committee’s Chairman’s Mark, this provision similarly requires DoD to report on the supply of munitions within WRSA-I that can address regional challenges and are critically important to Israel’s security. An additional amendment on this same topic was added during full House consideration of the NDAA (Section 1220C).
- **Analysis**: Taking advantage of the opportunity for America to replenish its stockpile depleted by the Ukraine-Russia conflict with updated weapons, and transforming WRSA-I into a hub for the United States, Israel, and other regional allies, would be of great value. WRSA-I was originally designed to function as an insurance policy for Israel, allowing it quick access to weapons in a contingency situation, so updating it would also serve to support Israel’s Qualitative Military Edge (QME).
  - » JINSA first began raising the importance of replenishing this stockpile in a 2018 report, delved into it in greater detail our 2020 report, [Anchoring the U.S.-Israel Alliance: Rebuilding America’s Arms Stockpile in Israel](#), and most recently highlighted the issue in a Wall Street Journal op-ed by JINSA President & CEO Michael Makovsky and JINSA Vice President for Policy Blaise Misztal, [The Arsenal of Democracy’s Stockpile in Israel](#).

## Iron Dome Short-Range Rocket Defense System and Israeli Cooperative Missile Defense Program Co-Development and Co-Production

- Senate Version (Section 1634): Authorizes \$80 million in funding for the Government of Israel to procure components for Iron Dome through co-production with U.S. industry. Similarly, it authorizes \$40 million for Israeli procurement of David’s Sling Weapon System components and \$80 million for Arrow 3 Upper Tier Interceptor Program components, as outlined under the current Memorandum of Agreement (MOU) between the United States and the Government of Israel.
- House Version (Budget Tables): Mirrors the Senate version, fully funding the President’s Budget request for Iron Dome, David’s Sling and Arrow 3.

- **Analysis:** Consistent with the MOU and President’s Budget request, both NDAs fully fund these important joint cooperative missile defense programs, vital to helping Israel maintain its QME and defend Israeli and Palestinian civilians from rockets and missiles.
  - » For more detail on the effectiveness of these programs, see JINSA’s [Israel’s Operation Shield and Arrow Recap](#) and [Gaza Conflict 2021 Assessment](#).

## United States-Israel Anti-Tunnel Cooperation

- [Senate Version \(Section 1399B\)](#): Reauthorizes U.S.-Israel anti-tunnel cooperation for an additional two years.
- [House Version \(Section 1216\)](#): identical language.
- **Analysis:** The use of subterranean networks by militant groups and hybrid forces is a growing feature of modern warfare. In no country is the tactical and strategic development of tunnels more evident than in Israel, which is in an underground arms race with Hamas and Hezbollah on its south-western and northern borders. This technology is also utilized on the U.S. southern border to help secure America.
  - » JINSA has addressed this issue regularly, such as IDF MG (ret.) Yaacov Ayish’s op-ed [The Underground Arms Race in the Middle East](#).

## Extension and Modification of Authority to Provide Assistance to Counter the Islamic State of Iraq and Syria

- [Senate Version \(Section 1323\)](#): Reauthorizes U.S. assistance to counter the Islamic State of Iraq and Syria for one year and adds a requirement for equipment and training to counter threats from unmanned aerial systems. It decreases the Overseas Contingency Fund from \$358 million to \$242 million to provide assistance to counter the Islamic State of Iraq and Syria.
- [House Version \(Section 1214\)](#): Reauthorizes the program for one year without amendment and similarly decreases the Overseas Contingency Fund.
- **Analysis:** This provision maintains support for the Government of Iraq and ensures that the United States maintains its footprint in a region marred by the effects of terrorism.

## Extension of Authority to Provide Assistance to Vetted Syrian Groups and Individuals

- [Senate Version \(Section 1321\)](#): Extends DoD authority to provide assistance to vetted Syrian groups by one year.
- [House Version \(Section 1213\)](#): Mirrors the Senate version.
- **Analysis:** Despite recent moves by Arab states to recognize the Assad regime, the NDAA shows Congress is not budging on Syria policy: it continues to support the Syrian Democratic Forces opposed to Assad, including through military assistance.

## What's In Just The Senate-Passed NDAA

### “Maritime Architecture and Response to International Terrorism In the Middle East Act of 2023” or “MARITIME Act of 2023”

- [Senate Version \(Section 1301\)](#): Sponsored by the bipartisan Senate Abraham Accords Caucus, this provision requires the Secretary of Defense to develop a strategy with Middle East partners to counter growing maritime threats posed by Iran and extremist and criminal entities.
- **Analysis:** A new Middle East has emerged over the past several years – Arab antagonism toward Israel has been replaced with growing economic and military partnerships, while all countries in the region realize their greatest threat comes from the Islamic Republic of Iran. Passage of this provision would bolster military ties between America’s Middle East allies and partners to better counter the threat from Iran at sea.
  - » This legislation builds on recommendations in JINSA’s groundbreaking 2022 report, [A Stronger and Wider Peace: A U.S. Strategy for Advancing the Abraham Accords](#).

### Modification of Authority for Cooperation on Directed Energy Capabilities

- [Senate Version \(Section 1397\)](#): Authorizes \$25 million for Israeli Cooperative Programs for directed energy missile defense technology co-development program with Israel.

- **Analysis:** In February 2022, then-Israeli Prime Minister Naftali Bennett announced Israel would create a “laser wall” to protect the country against rockets, missiles, and drones. Directed energy systems, like Iron Beam, could drastically decrease the costs of intercepting projectiles and have immense benefits for American personnel and partners in the Middle East, who routinely face Iranian-linked mortars, rockets, missiles, and drones.
  - » For more from JINSA on this issue, see: [U.S. Should Draw in Israel, Regional Players for Directed Energy Development](#).

## Briefing on Nuclear Capabilities of Iran

- **Senate Version (Section 1324):** Requires the Secretary of Defense to provide a briefing on threats to global security posed by the nuclear weapons capability of Iran, progress made by Iran in enriching uranium at levels proximate to or exceeding weapons-grade, and recommendations for actions the United States may take to ensure that Iran does not acquire a nuclear weapon capability.
- **Analysis:** This provision is illustrative of Congress’s deep concern over Iran’s continued efforts to develop a nuclear capability, and skepticism regarding President Biden’s “unshakeable commitment to prevent Iran from acquiring a nuclear weapon.”
  - » For more from JINSA on how Congress can prevent an Iranian nuclear breakout, see [JINSA’s Blueprint for Congressional Action on Iran](#).

## Monitoring Iranian Enrichment

- **Senate Version (Section 1624):** Requires the Director of National Intelligence to assess whether the Islamic Republic of Iran has produced or possesses any amount of uranium-235 enriched to greater than 60 percent purity or has engaged in significant enrichment activity; the Director of National Intelligence shall submit to Congress any such assessment, consistent with the protection of intelligence sources and methods.
- **Analysis:** This provision is similarly illustrative of congressional concern over Iran’s continued efforts to develop a nuclear capability, and skepticism regarding President Biden’s “unshakeable commitment to prevent Iran from acquiring a nuclear weapon.”

## Extension of Prohibition on In-Flight Refueling to Non-United States Aircraft That Engage in Hostilities in the Ongoing Civil War in Yemen

- **Senate Version ([Section 1399A](#)):** Reauthorizes a prohibition on the U.S. military participating in offensive operations against the Houthis unless Congress declares war or passes a specific Authorization for the Use of Military Force.
- **Analysis:** Last year’s NDAA dropped these restrictions. However, the Senate language is broadly consistent with prior NDAA restrictions against in-flight refueling for offensive operations. Dropping its open hostility against the Saudi-led military operations against the Houthi rebels in Yemen last year was a significant change and suggests a moderated approach towards the kingdom, in part aimed at incentivizing Saudi Arabia to consider joining the Abraham Accords.

## What’s In Just The House-Passed NDAA

### Requirement for Military Exercises Between the United States and Israel

- **House Version ([Section 1206](#)):** Requires United States Central Command, or other relevant combatant commands, to conduct military exercises no fewer than two times in a year with the armed forces of Israel.
- **Analysis:** Recent U.S.-Israel military exercises like Juniper Oak 23.3 in mid-July—the eighth joint training already this year—are intended to demonstrate U.S. military capabilities in the region. Training exercises have the potential to help create additional deterrence against Iran.
  - » For more from JINSA, see: [U.S. and Israel Display Combat Capabilities, But Deterrence Against Iran Still Deficient.](#)

### U.S.-Israel Defense Assessment on Prospective Areas for Future Cooperation

- **House Report:** Directs the Secretary of Defense to provide Congress with a briefing on Israel’s evolving security needs and prospective areas for increased U.S.-Israel defense collaboration, particularly in emerging technologies, including artificial intelligence, machine learning, cybersecurity, directed energy, and automation.

- **Analysis:** Israel is a scientific superpower and global leader in cutting-edge technologies central to the future of U.S. national security. Exploring the potential for mutually beneficial collaboration makes sense.

» For more, see: [As the U.S. Steps Out of the Middle East, It Must Help Israel Step Up](#).

## Plan to Enable Israel to Gain Observer Status in the Euro-NATO Joint Jet Pilot Training Program

- **House Version (Section 1217):** Directs the Secretary of Defense to produce a plan for enabling Israel to gain observer status in the Euro-NATO Joint Jet Pilot Training (ENJJPT) Program at Sheppard Air Force Base, Texas, the only multi-nationally manned and managed flying training program chartered to produce combat pilots for NATO.
- **Analysis:** The ENJJPT provides a training environment that enhances standardization and interoperability among NATO members. Having trained together, U.S. allies are better prepared to fight and win together, if the need ever arises. Adding Israeli observers to the program would assist in building increased joint capabilities between U.S. allies and partners.

## United States-Israel PTSD Collaborative Research

- **House Version (Section 749):** Calls on the Secretary of Defense, acting through the Psychological Health and Traumatic Brain Injury Research Program, to explore collaboration between American academic institutions and nonprofit research entities and Israeli institutions with expertise in researching, diagnosing, and treating post-traumatic stress disorder.
- **Analysis:** If enacted, this provision would provide an opportunity for the United States and Israel to partner on an initiative affecting both U.S. and Israeli injured servicemembers.

## Prohibition On Transferring Funds to Iran

- **House Version (Section 1220B):** Blocks any U.S. funding from being transferred to the Government of Iran, any person controlled by the Government of Iran, any person identified on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, or any person whose property interests are blocked pursuant to the International Emergency Economic Powers Act.
- **Analysis:** This prohibition is intended to prevent a repeat of the 2016 transfer of \$1.7 billion in dollars and other currencies that were transferred to Iran as part of a deal to release several U.S. hostages held in Iran.



## Prohibition on Funding Transfers for the Iraqi Badr Organization

- **House Version ([Section 1220D](#)):** Similar to last year, this provision prohibits authorized funding to be allocated or transferred to the Iraqi Badr Organization.
- **Analysis:** The Departments of State and Treasury have been reluctant to issue sanctions against the Iraqi Badr Organization, a Shia Islamist political party and military organization, despite its deep ties to Iran's Islamic Revolutionary Guard Corps. Congress is setting guardrails by ensuring that DoD does not provide the Badr Organization with any funding.

## Extension and Modification of Annual Report on Military Power of Iran

- **House Version ([Section 1218](#)):** Amends the annual reporting requirement for DoD on Iran's military power to add more capabilities and forces, including space launch.
- **Analysis:** The House NDAA shows continued interest by Congress to demand as much information as possible from the Executive Branch about malign Iranian activities.

## Brief on Technology Transfers and Technical Assistance from the People's Republic of China to Iran

- **House Version ([Section 1318](#)):** The Director of the Defense Intelligence Agency is directed to brief Congress on China's assistance to Iranian weapons development and procurement, and the growing threat from Iran's ballistic missile capabilities.
- **Analysis:** This is reflective of growing concern regarding cooperation between America's adversaries.

## Report on Iran-Russia Nuclear-Related Cooperation

- **House Version ([Section 1825](#)):** Requires the president to provide an assessment of the trade in covered goods, services, and technology between the Russian Federation and the Islamic Republic of Iran, whether they could be used in a nuclear, chemical, biological, radiological, ballistic missile, or conventional weapons program, and the resulting impact on the security of the United States and its partners and allies.
- **Analysis:** This reflects congressional concern regarding cooperation between America's adversaries, particularly in light of Iranian support for Russian's invasion of Ukraine.

## Brief on Iranian Hardening of Nuclear Facilities

- [House Version \(House Report\)](#): Required the DoD to brief Congress on the status of Iranian efforts to harden their nuclear facilities, particularly the new facilities in Natanz, and the capabilities of the United States and our allies and partners in the region to strike these sites if necessary.
- **Analysis:** As Iran relies increasingly on better centrifuges that need less space and time to produce a bomb's worth of uranium, over time it can more easily disperse and hide the necessary equipment for a breakout. It is already finishing and hardening new subterranean enrichment and centrifuge-manufacturing sites even more immune from military attack. The window for potential action by the United States and our allies and partners may be closing.
  - » For more from JINSA on this topic, see [No Daylight: U.S. Strategy if Israel Attacks Iran](#).

## Assessment of Support to Iraqi Security Forces and Kurdish Peshmerga Forces to Counter Air and Missile Threats

- [House Version \(Section 1215\)](#): Reauthorizes a requirement for DoD and the State Department to develop a plan of action to equip and train Iraqi security forces and Kurdish Peshmerga forces to defend against attack by missiles, rockets, and unmanned systems.
- **Analysis:** Similar to last year's Deterring Enemy Forces and Enabling National Defenses (Or DEFEND) Act of 2022, which called for a broader strategy for an integrated air and missile defense capability in CENTCOM, this language indicates Congress remains focused on countering threats in the air domain.
  - » For JINSA's latest recommendations on how to improve air and missile defense capabilities, see [Build It and They Will Come: A U.S. Strategy for Integrating Middle East Air and Missile Defenses](#).