



Strengthening America's Security in the Middle East Act of 2019 (S.1): An Overview

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Overview

On January 3, 2019, Senator Marco Rubio and three co-sponsors introduced S. 1, the *Strengthening America's Security in the Middle East Act of 2019* (or SASME). The bill combines four legislative proposals, three of which were passed in some form by at least one chamber during the 115th Congress. While significant portions of SASME received broad bipartisan support during the 115th Congress, Members differ over whether S. 1 should be considered amidst a partial government shutdown. On January 8, cloture on the motion to proceed to Senate floor consideration of S. 1 was rejected [by a vote of 56-44](#).

The following is a summary of the four titles of the bill:

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Ileana Ros-Lehtinen United States-Israel Security Authorization Assistance Act of 2019

Title I of S. 1 incorporates the Senate-passed and House-amended [United States-Israel Security Assistance Authorization Act of 2018](#) considered during the 115th Congress. Title I would, among other things:

- Authorize the annual provision of “not less than” \$3.3 billion in Foreign Military Financing to Israel through FY2028, per the [2016 U.S.-Israel Memorandum of Understanding on Assistance](#);
- Reauthorize both the [War Reserves Stock Allies-Israel \(WRSA-I\)](#) program and Israel’s access to \$3.8 billion in U.S. loan guarantees through FY2023;
- Authorize the President to transfer precision guided munitions from reserve stocks to Israel as necessary for legitimate self-defense; and
- Require the President to report to Congress on steps the Administration is taking to include Israel in the list of countries eligible for the [15 CFR 740.20 - License Exception Strategic Trade Authorization \(STA\)](#). [Tier 1 of the STA license exception](#) includes 37 countries, who are allowed to receive U.S. high technology and military items without individual export licenses. Israel is currently in Tier 2, which is subject to national security controls.

In the 115th Congress, the Senate passed the United States-Israel Security Authorization Assistance Act of 2018 (S. 2497) by voice vote on August 1, 2018. The House amended S. 2497 and passed it by voice vote on September 12, 2018. Before the Senate took up floor consideration of the final bill, Senator Rand Paul placed a hold on S. 2497, [saying](#) that, “If we are going to send aid to Israel it should be limited in time and scope so we aren’t doing it forever.” The 115th Congress ended without further action on the bill.

United States-Jordan Defense Cooperation Extension Act

Title II of S. 1 incorporates the House-passed and Senate-considered [United States-Jordan Defense Cooperation Extension Act from the 115th Congress](#). Title II would reauthorize [the United States-Jordan Defense Cooperation Act of 2015](#) until December 31, 2022. That law authorized expedited review and an increased dollar value threshold for proposed U.S. arms sales to Jordan for three years. [It amended the Arms Export Control Act](#) to give Jordan temporarily the same preferential treatment U.S. law bestows upon NATO members and Australia, Israel, Japan, New Zealand, and South Korea. At the height of Operation Inherent Resolve against the Islamic State, [Jordan requested that the United States expedite the delivery of munitions](#) to the Royal Jordanian Air Force due to shortages. The House passed the legislation by voice vote on February 5, 2018, and it was reported by the Senate Foreign Relations Committee on November 29, 2018, but it did not come to a vote before the full Senate during the 115th Congress.

Caesar Syria Civilian Protection Act of 2019

Title III of S. 1 incorporates the Senate version of the [Caesar Syria Civilian Protection Act of 2018](#) considered during the 115th Congress and passed by the House in a different version. Title III would require the Secretary of the Treasury to make a determination within 180 days of enactment on whether the Central Bank of Syria is a financial institution of primary money laundering concern. If so, the bill would require the Secretary to impose one or more of the special measures described in section 5318A(b) of title 31, United States Code. The bill also would expand the scope of secondary sanctions on Syria to include foreign persons who knowingly provide support to Russian or Iranian entities operating on behalf of the Syrian government. It would also make eligible for sanctions foreign persons who knowingly sell or provide military aircraft and energy sector goods or services, or who knowingly provide significant

construction or engineering services to the government of Syria. The bill does include several suspension and waiver authorities for the President. Its provisions would expire five years after the date of enactment.

The House passed versions of the bill both in the 115th and 114th Congresses. The Senate Foreign Relations Committee reported an amended version on October 3, 2018, but Senator Paul subsequently [placed a hold on the bill](#), and the Senate did not take further action. On January 3, the House reintroduced a new version of the bill as H.R. 31.

Combatting BDS Act of 2019

Title IV of S. 1 incorporates the [Combatting BDS Act of 2017](#), which was considered during the 115th Congress but did not go through a committee approval process. Title IV would provide protection from federal preemption to state and local governments' legislation with respect to "a boycott, divestment, or sanctions [BDS] activity targeting Israel ... that is intended to penalize, inflict economic harm on, or otherwise limit commercial relations with Israel or persons doing business in Israel or in Israeli-controlled territories for purposes of coercing political action by, or imposing policy positions on, the Government of Israel." The bill could face objections based on claims that the executive branch has exclusive constitutional authority to conduct foreign relations, as evidenced by President George W. Bush's [signing statement](#) related to nonpreemption language that Congress included in the [Sudan Accountability and Divestment Act of 2007](#).

The 114th Congress enacted two items of trade legislation that contained provisions seeking to discourage BDS-related activity (P.L. 114-26 and P.L. 114-125) and applied to Israel and "Israeli-controlled territories." Although President Obama signed both items of legislation, he objected to treating "Israeli-controlled territories" beyond 1949-1967 armistice lines (including West Bank settlements) in the same manner as Israel itself, claiming in a [signing statement](#) to P.L. 114-125 that such treatment was not in line with U.S. policy.

Since 2018, some state laws regulating how state governments invest in or contract with third parties based on these parties' stances on BDS-related issues have come under scrutiny in federal court for possible free speech violations under the First Amendment. Courts granted preliminary injunctions in both [Kansas](#) and [Arizona](#) temporarily blocking the enforcement of the applicable laws in those states. Similar suits are pending [elsewhere](#). In the Kansas case, the plaintiff dropped its suit [after the law was amended in various ways](#), including so that it no longer applied to individuals or sole proprietors.

The version of the Combatting BDS Act in Title IV of S. 1 would not protect state or local laws from free speech challenges. During the 115th Congress, Senator Paul [placed a hold](#) on consideration of the [legislation](#) over concerns that the bill might lead to the infringement of free speech. The bill's protections for state and local legislation would apply to investment and contracting activities with entities that include "any corporation, company, business association, partnership, or trust" and "any governmental entity or instrumentality of a government, including a multilateral development institution."

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