



# Key Middle East Provisions in the Fiscal Year 2024 National Defense Authorization Act

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Congress moved swiftly this week to approve this year's [National Defense Authorization Act \(NDAA\)](#), with an overwhelming bipartisan vote of [87-13](#) in the Senate on Wednesday, followed shortly thereafter by a House vote of [310-118](#) on Thursday. The bill now heads to President Biden's desk, and he is expected to sign it into law shortly.

Several key provisions that JINSA played a key role in inspiring and developing that will help strengthen U.S. national security in the Middle East and the U.S.-Israel security relationship were included in the final NDAA conference report, including:

1. The “**Expediting Israeli Aerial Refueling Act of 2023**” requires the Department of Defense to expedite training for Israeli pilots and mechanics on Boeing's KC-46A aerial refueling tankers before they are delivered to Israel. It also requires the Secretary of Defense to brief Congress on its efforts to expedite delivery of KC-46 aircraft to Israel, and on the potential costs and benefits of surging United States KC-46 aircraft to Israel prior to the delivery of the planes Israel has purchased.
2. The “**Maritime Architecture and Response to International Terrorism In the Middle East (MARITIME) Act of 2023**” requires the Secretary of Defense to develop a strategy to counter maritime threats posed by Iran and other terrorist or criminal groups within 60 days. This provision is of increased relevance in light of the [surge](#) of recent attacks on commercial shipping in the Red Sea by the Houthis in Yemen.
3. The “**Ensuring Peace Through Strength in Israel Act**” requires an assessment of precision-guided munitions in America's War Reserve Stockpile in Israel (WRSA-I), which are necessary for Israel to protect itself against Iran and its proxies including Hamas and Hezbollah.
4. The “**Special Envoy for the Abraham Accords Act**” authorizes the establishment of a Presidential Envoy that directly report to the Secretary of State to send an unmistakable signal that strengthening the Abraham Accords and expanding membership is a top diplomatic priority of the United States.

## Key Provisions Relating To Israel In The Conference Report

### Requirement For CENTCOM Military Exercises To Include Israel (Sec. 1211)

The House bill contained a provision ([Sec. 1206](#)) that would require U.S. Central Command to engage in regular exercises with international partners to practice and simulate coalition strike, refueling, and other missions. The Senate bill did not contain anything similar. The conference report largely adopted the House language and requires that Israel be invited to participate in CENTCOM exercises twice a year that seek to enhance the interoperability and effectiveness of the United States Armed Forces, the armed forces of Israel, and the armed forces of other allies and partners of the United States in coalition operations.

- Analysis: Having trained together, U.S. allies are better prepared to fight and win together. Joint exercises will assist in building increased joint capabilities between U.S. allies and partners.

### Extension And Modification Of Certain Temporary Authorizations Related To Munitions Replacement To Include Taiwan And Israel (Sec. 1242)

The Senate bill contained a provision to modify and extend temporary authorities relating to the acquiring of defense stocks to replenish stocks sent to Ukraine. The House NDAA did not contain comparable language. The conference report authorizes the Secretary of Defense to provide additional (and larger) munitions to Israel and Taiwan in addition to Ukraine and exempts these munitions from some normal cost requirements.

- Analysis: As noted in JINSA President Michael Makovsky's [recent op-ed](#), Israel's military is consuming massive amounts of materiel in its fight to protect its civilians and defeat terrorist forces in Gaza. To maintain its campaign against Hamas and to be ready should Hezbollah, the Lebanon-based terrorist Iran proxy, increase the severity of its already daily attacks, Israel will need more bombs.

### Euro-NATO Joint Jet Pilot Training Program (Sec. 1251)

The House NDAA provision directing the Secretary of Defense to produce a plan for enabling Israel to gain observer status in the Euro-North Atlantic Treaty Organization Joint Jet Pilot Training Program (ENJJPT) was adopted in the conference report.

- 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. Adding Israeli observers to the program will assist in building increased joint capabilities between U.S. allies and partners.

### Extension Of United States-Israel Anti-Tunnel Cooperation (Sec. 1252)

As supported in both the House and Senate NDAA, the final conference report reauthorizes U.S.-Israel anti-tunnel cooperation for an additional two years.

- Analysis: The use of subterranean networks by militant groups and hybrid forces is a growing feature of modern warfare. As seen in the current Israel-Hamas War, in no country is the tactical and strategic development of tunnels more evident than in Israel, which is confronting hundreds of kilometers of terrorist tunnels in Gaza. The technology developed though

this joint cooperation is also utilized on the U.S. southern border to help secure America. JINSA has addressed this important issue regularly, such as IDF MG (ret.) Yaacov Ayish's op-ed [The Underground Arms Race in the Middle East](#).

### **Improvements Relating To United States-Israel Cooperation To Counter Unmanned Aerial Systems (Sec. 1253)**

The House NDAA provision was adopted to direct the Secretary of Defense to provide Congress with a report on the current status of cooperation between the United States and Israel on countering unmanned aerial systems, including an assessment of capabilities under development, that have been fielded to the Armed Forces of the United States or Israel, proposed changes that would result in more effective capabilities to counter unmanned aerial systems and expedite their delivery, and the extent to which the United States-Israel Operations-Technology Working Group is being used to carry out such activities.

- **Analysis:** As JINSA has [closely tracked](#), just since the October 7 Hamas terrorist attack there have been at least 94 attacks on U.S. forces by Iranian proxies, many of which were by unmanned aerial systems. Countering this threat is an urgent priority to protect United States personnel deployed to the CENTCOM area of operations.

### **Modification Of Authority For Cooperation On Directed Energy Capabilities (Sec. 1254)**

The Senate bill authorized \$25 million for Israeli Cooperative Programs for the directed energy missile defense technology co-development program with Israel, while the House bill did not. The conference report strikes the \$25 million in authorized funding but keeps the requirement for the Under Secretary of Defense for Research and Engineering to submit a report on the most promising directed energy technologies available to co-develop and initial projections for likely funding requirements over the course of the next five fiscal years.

- **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. At least [11,500](#) rockets, mortars, drones, and other projectiles have been fired from Gaza during the current Israel-Hamas War, while Hezbollah's retains an even larger arsenal in the north of [more than 100,000](#) projectiles. For more from JINSA on this issue, see: [U.S. Should Draw in Israel, Regional Players for Directed Energy Development](#).

### **Ensure Sufficient Precision-Guided Munitions (PGMs) Are Stored In U.S. War Reserve Stockpile In Israel (WRSA-I) (Sec. 1255, A Modified Version Of The “Ensuring Peace Through Strength In Israel Act”)**

Consistent with provisions in the House and Senate NDAAs, the conference report requires an assessment of precision-guided munitions in America's War Reserve Stockpile in Israel (WRSA-I) every 180 days and reauthorizes WRSA-I through 2027.

- **Analysis:** A sufficient ready supply of PGMs is necessary for Israel to protect itself against Iran and its proxies. JINSA has been a strong advocate for transforming the WRSA-I into a valuable weapons hub for the United States, Israel, and other regional allies since 2020, beginning with our report [Anchoring the U.S.-Israel Alliance](#) and including such notable op-eds

as [The Arsenal of Democracy's Stockpile in Israel](#) by JINSA President Michael Makovsky. 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), particularly relevant in relation to the threat from Hezbollah in Lebanon.

### **Encouraging KC-46A Tanker Deliveries To Israel (Sec. 1256, A Modified Version Of The "Expediting Israeli Aerial Refueling Act Of 2023") And Simplifying The Ability To Transfer Other Retired U.S. Tankers to Israel (Sec. 1257)**

Consistent with a Senate NDAA bill provision, the conference report requires the Secretary of the Air Force to make available such resources as are necessary to train pilots and ground crews of the Israeli Air Force on the KC-46 aircraft prior to delivery to Israel. The requirement for the United States to consider surging United States Air Force KC-46s to Israel in the Senate bill was adjusted to a requirement for the Secretary of Defense to provide a briefing within 90 days on the costs and benefits of forward deployment of United States KC-46 aircraft to Israel and a requirement for the Secretary of State to consult with the Israel to determine whether they desire to host rotational deployments of United States KC-46 aircraft in the conference report.

Sec. 1257, a related provision, also authorizes the President to 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 2-year period after the bill is signed into law, or any other United States aerial refueling tanker the President considers appropriate.

- **Analysis:** This vital capability will be critical for Israel to strike Iran's nuclear program, if necessary, and thus strengthen Israeli deterrence against Iran. JINSA was the first organization to call for expediting delivery of the tankers in 2018 in [Atlas Supported: Strengthening U.S.-Israel Strategic Cooperation](#) and highlighted the importance of this capability in a joint op-ed with members of the Mach 1 Caucus [U.S. Must Expedite Delivery of KC-46A Aerial Refueling Tanker to Israel](#).

### **Iron Dome Short-Range Rocket Defense System And Israeli Cooperative Missile Defense Program Co-Development And Co-Production (Sec. 1665)**

The conference report 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 for cooperative missile defense programs.

- **Analysis:** Consistent with the MOU and President's Budget request, the NDAA fully funds 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](#).

## Key Provisions On Matters Relating to the Middle East

### The “Maritime Architecture And Response To International Terrorism In The Middle East (MARITIME) Act Of 2023” (Sec. 1261)

The second major bill introduced by the Abraham Accords Caucus, the MARITIME Act was fully incorporated into this year’s Senate NDAA and is included in the conference report. The provision requires the Secretary of Defense to develop a strategy to counter maritime threats posed by Iran and other terrorist or criminal groups in the Middle East and requires a report to Congress within 60 days of enactment of the NDAA.

- Analysis: JINSA was an early advocate for a regional maritime security cooperation in the Middle East – first in 2018 and then in our 2022 Abraham Accords Project report, [A Stronger and Wider Peace](#). This critical effort paves the way for closer defense cooperation between Israel and its regional partners in the wake of the Abraham Accords.

### Presidential Envoy For The Abraham Accords, Negev Forum, And Related Integration And Normalization Fora And Agreements (Sec. 6407, A Modified Version Of “Special Envoy For The Abraham Accords Act”)

Included as part of the State Department Authorization Act of 2023 incorporated into the NDAA conference report, this provision passed as a standalone bill in the House with a bipartisan vote of [413-13](#) in June. The conference report language reflects additional input from the Senate Foreign Relations Committee and establishes a Presidential Envoy within the Department of State as a direct report to the Secretary of State. It also precludes the individual filling this role from being dual-hatted with other responsibilities in the Department of State or other Executive Branch positions and requires a biannual report to Congress.

- Analysis: JINSA advocated for a creation of such an envoy in [A Stronger and Wider Peace](#). The appointment of a Presidential Envoy will send an unmistakable signal that strengthening the Abraham Accords and expanding membership is among the administration’s highest priorities.

### Extension And Modification Of Authority To Provide Assistance To Counter The Islamic State Of Iraq And Syria (Sec. 1263)

The conference report 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. It increases the cap on per project construction and repair from \$4 million to \$6 million.

- 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 (Sec. 1264)

The conference report extends DoD authority to provide assistance to vetted Syrian groups by one year. It increases the cap on per project construction and repair from \$4 million to \$6 million.

- **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.

### **Prohibition On Funding Transfers For The Iraqi Badr Organization (Sec. 1267)**

Similar to a provision in last year's NDAA, the conference report 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.

### **Prohibition On Transferring Funds To Iran (Sec. 1270)**

The House NDAA included provisions ([Secs. 1220B and 1220I](#)) to block 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. The Senate contained no similar provision. The House language was largely adopted in the conference report.

- **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.

### **Extension Of Prohibition On In-Flight Refueling To Non-United States Aircraft That Engage In Hostilities In The Ongoing Civil War In Yemen (Sec. 1227)**

The Senate NDAA ([Sec. 1399A](#)) reauthorized a prohibition on the U.S. military participating in offensive operations against the Houthis in Yemen unless Congress declares war or passes a specific Authorization for the Use of Military Force. The House bill did not contain a similar prohibition. The conference report adopted the Senate provision.

- **Analysis:** Last year's NDAA dropped these restrictions. However, this language is broadly consistent with prior similar 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 suggested a moderated approach towards the Kingdom, in part aimed at incentivizing Saudi Arabia to consider joining the Abraham Accords. Written before the surge of recent attacks by the Houthis against shipping in the Red Sea, this provision could now prove problematic for the administration in developing response options.

### **Extension And Modification Of Annual Report On Military Power Of Iran (Sec. 1268)**

The House NDAA ([Sec. 1218](#)) amended the annual reporting requirement for DoD on Iran's military power to add more capabilities and forces, including space launch. The Senate NDAA contained no similar provision. The House provision was largely adopted in the conference report.

- **Analysis:** The inclusion of this provision shows continued interest by Congress to demand as much information as possible from the Executive Branch about malign Iranian activities.

## Key Provisions From the Intelligence Authorization Act For Fiscal Year 2024 Incorporated Into the NDAA Conference Report

### Central Intelligence Agency Intelligence Assessment With Respect To Efforts By People's Republic Of China To Increase Influence In Middle East (Sec. 7336)

Directs the Director of the Central Intelligence Agency to submit an intelligence assessment on efforts by the People's Republic of China to increase its influence, through overt or covert means, with respect to the political, military, economic, or other policies or activities of governments of countries and territories in the Middle East in ways that are detrimental to the national security interests of the United States. Key elements of the report include China-Iran security and intelligence cooperation and activities designed to undermine the diplomatic standing of Taiwan.

### Assessment By Director Of Central Intelligence Agency On Certain Effects Of Abraham Accords (Sec. 7338)

Directs the Director of the Central Intelligence Agency to submit to Congress an assessment of the current effects on the intelligence community of the agreements between Israel and four other foreign countries, collectively known as the Abraham Accords, and of the potential effects on the intelligence community if the Abraham Accords were to be expanded to additional foreign countries. The report asks for details on whether, and to what extent Israeli cooperation with Bahrain, Morocco, the UAE, Sudan, and other foreign countries to potential normalize relations with Israel has resulted in the intelligence community obtaining new and valuable insights regarding United States national intelligence priorities.

### Monitoring Iranian Enrichment (Sec. 7413)

The Senate NDAA ([Sec. 1624](#)) required 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. It also directed the Director of National Intelligence to submit to Congress any such assessment, consistent with the protection of intelligence sources and methods. The House contained no similar provision. The conference report adopted the Senate language but moved it under the Intelligence Authorization Act part of the conference report.

- **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."

## Additional Provisions Of Note

### United States-Israel PTSD Collaborative Research Provision Dropped

The House NDAA ([Sec. 749](#)) called 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. The conferees argued this provision was unnecessary and it was dropped as the United States and Israel have cooperated in the field of medical research since 1978, to include post-traumatic stress disorder.

### **Requirement For Military Exercises Between The United States And Israel**

The House NDAA ([Sec. 1220H](#)) required 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. The Senate NDAA contained no similar provision. The House provision was dropped, but the conferees direct the Secretary of Defense to provide Congress with a report describing efforts, if any, to expand the frequency of bilateral and multilateral exercises involving Israel and the United States and regional partners and allies in the Middle East, and otherwise promote or participate in such exercises within 180 days.

- 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](#).

### **Report On Expediting Fighter Aircraft Sales To Israel**

The House NDAA ([Sec. 1826](#)) required the Secretary of Defense to submit a report on expediting fighter aircraft sales to Israel, while the Senate bill had no similar provision. The conferees noted that maintaining Israel's defense capabilities, including through upgrades and sales of F-15 and F-35 fighter aircraft to Israel, is a priority for national security interests of the United States and direct the Secretary of Defense to provide Congress a report which includes the current state of, and delivery schedule for, the sale or transfer of F-15s and F-35s to Israel; and a review of measures that could increase the overall production rate of these aircraft as appropriate or expedite the delivery schedule within 180 days.

- Analysis: This provision is consistent with strong congressional interest in maintaining Israel's QME.

### **Report On Iran-Russia Nuclear-Related Cooperation**

The House bill ([Sec. 1825](#)) required 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 within 120 days. The Senate bill did not contain a similar provision. The conference report adopts the House report requirement but extends the deadline to 180 days.

- Analysis: This reflects congressional concern regarding cooperation between America's adversaries, particularly in light of Iranian support for Russian's invasion of Ukraine.

### **Briefing On Nuclear Capabilities Of Iran**

The Senate NDAA contained a provision ([Sec. 1324](#)) that would have required the Secretary of Defense to provide a briefing on threats to global security posed by the nuclear weapon



capability of Iran and progress made by Iran in enriching uranium at levels proximate to or exceeding weapons grade. The House bill contained no similar provision. The conferees direct the Secretary of Defense to provide Congress a briefing describing threats to global security posed by the nuclear weapon 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 within 180 days.

- 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](#).