

114TH CONGRESS
1ST SESSION

H. R. 1349

To authorize assistance to Israel to establish an anti-tunneling defense system,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2015

Ms. GRAHAM introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize assistance to Israel to establish an anti-tunneling defense system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States-Israel
5 Anti-Tunnel Defense Cooperation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Hamas, Hezbollah, and the Palestinian Is-
2 lamic Jihad are United States-designated terrorist
3 organizations.

4 (2) Designated Palestinian terrorist organiza-
5 tions have killed hundreds of Israelis and dozens of
6 Americans in rocket attacks and suicide bombings.

7 (3) Hamas has used underground tunnels to
8 Israel and Egypt to smuggle weapons, money, and
9 supplies into Gaza and to send members of Hamas
10 out of Gaza for training and to bring trainers in to
11 Gaza to teach Hamas how to manufacture rockets
12 and build better tunnels. Tunnels in Gaza have also
13 been used as underground rocket launching sites,
14 weapons caches, bunkers, transportation networks
15 and command and control centers.

16 (4) In 2006, Hamas kidnapped Israeli soldier
17 Gilad Shalit through a tunnel and held him for five
18 years.

19 (5) The Israel Defense Forces discovered 32
20 tunnels during the conflict with Hamas in the sum-
21 mer of 2014, 14 of which crossed into Israel.

22 (6) Hamas intentionally uses civilians as human
23 shields by placing its underground tunnel network in
24 densely populated areas and schools, hospitals, and
25 mosques.

1 (7) Hamas’s placement of explosive material in
2 its vast network of tunnels in Gaza has caused civil-
3 ian casualties through secondary and tertiary explo-
4 sions.

5 (8) While the unemployment rate in Gaza is at
6 38 percent, it is estimated that Hamas spends
7 \$3,000,000 per tunnel.

8 (9) United Nations Secretary-General Ban Ki-
9 moon said he was “shocked by the tunnels used for
10 the infiltration of terrorists”.

11 (10) Hamas has claimed to be rebuilding tun-
12 nels in Gaza after the war with Israel in the summer
13 of 2014.

14 (11) Hezbollah has used underground tunnels
15 in southern Lebanon to move Hezbollah fighters and
16 to launch attacks.

17 (12) The Palestinian Islamic Jihad claims to be
18 digging new tunnels on the Gaza border. Israel has
19 a right to defend itself from the violence of Pales-
20 tinian terrorist groups, including the violence that is
21 facilitated through terrorist tunnel networks.

22 (13) The United States is working cooperatively
23 with the Government of Israel to develop tech-
24 nologies to detect and destroy tunnels penetrating
25 the territory of Israel.

1 **SEC. 3. ASSISTANCE TO ISRAEL TO ESTABLISH AN ANTI-**
2 **TUNNELING DEFENSE SYSTEM.**

3 (a) IN GENERAL.—The President, upon request of
4 the Government of Israel and acting through the Secretary
5 of Defense and the Secretary of State, is authorized to
6 carry out research, development, and test activities on a
7 joint basis with Israel to establish an anti-tunneling de-
8 fense system to detect, map, and destroy underground
9 tunnels from Gaza to the territory of Israel or other coun-
10 tries that share a border with Gaza.

11 (b) CERTIFICATION.—None of the funds authorized
12 to be appropriated to carry out this Act may be obligated
13 or expended to carry out subsection (a) until the Presi-
14 dent, acting through the Secretary of Defense and the Sec-
15 retary of State, certifies to Congress the following:

16 (1) The President has finalized a memorandum
17 of understanding or other formal agreement between
18 the United States and Israel regarding sharing of
19 research and development costs for the system de-
20 scribed in subsection (a).

21 (2) The understanding or agreement—

22 (A) requires sharing of costs of projects,
23 including the cost of claims, between the United
24 States and Israel on an equitable basis unless
25 the President determines, on a case-by-case

1 basis, the Government of Israel is unable to
2 contribute on an equitable basis;

3 (B) requires the designation of payment of
4 non-recurring engineering costs in connection
5 with the establishment of a capacity for co-pro-
6 duction in the United States;

7 (C) establishes a framework to negotiate
8 the rights to any intellectual property developed
9 under the cooperative research and development
10 projects; and

11 (D) requires the Department of Defense to
12 receive quarterly reports on expenditure of
13 funds by the Government of Israel, including a
14 description of what the funds have been used
15 for, when funds were expended, and an identi-
16 fication of entities that expended the funds.

17 (e) ASSISTANCE.—The President, upon request of the
18 Government of Israel and acting through the Secretary of
19 Defense and the Secretary of State, is authorized to pro-
20 vide assistance to Israel for the procurement, mainte-
21 nance, and sustainment of an anti-tunneling system de-
22 scribed in subsection (a).

23 **SEC. 4. REPORTS.**

24 (a) INITIAL REPORT.—The President shall submit to
25 Congress a report that contains a copy of the memo-

1 random of understanding or other formal agreement be-
2 tween the United States and Israel as described in section
3 3(b)(1).

4 (b) QUARTERLY REPORTS.—The President, acting
5 through the Secretary of Defense and the Secretary of
6 State, shall submit to Congress a quarterly report that
7 contains a copy of the most-recent quarterly report pro-
8 vided by the Government of Israel to the Department of
9 Defense pursuant to section 3(b)(2)(D).

10 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

11 Of the funds authorized to be appropriated for fiscal
12 year 2016 for procurement, defense-wide activities and for
13 research, development, test, and evaluation of the Depart-
14 ment of Defense, \$200,000,000 is authorized to be appro-
15 priated to the President to carry out this Act.

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