

United States Senate

WASHINGTON, DC 20510

September 12, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Rex Tillerson
Secretary of State
United States Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Tillerson:

We have become aware that the Department of State is considering whether to seek the return of \$75 million in U.S. security assistance that has been appropriated for Israel. We have serious concerns about that possibility, and we write to urge that you refrain from requesting those monies back.

Seeking the return of duly-appropriated monies for Israel would be a deeply unwise action. It would needlessly damage the U.S.-Israel security relationship, diminish Israel's qualitative military edge in the region, and send a terrible message to allies and adversaries alike regarding the steadfastness of U.S. commitments.

As you are aware, the \$75 million represents the amount that Congress appropriated in excess of the monetary commitment made for this fiscal year in the 10-year U.S.-Israel Memorandum of Understanding (MOU) on security assistance that President Bush concluded in 2007. President Obama concluded his own MOU in 2016, and he insisted that it be accompanied by a requirement barring Israel from seeking additional assistance funds from the U.S. Congress and required Israel to return any funds Congress appropriates that exceed the amounts included in the 2007 MOU for fiscal years 2017 and 2018.

Congressional leaders condemned this requirement at the time, and rightly so. First, it needlessly tied the hands of the United States and Israel to respond to emergencies and to the changing security landscape of the Middle East, especially after the flawed Iran nuclear deal released over \$100 billion in frozen assets to the terror-sponsoring Iranian regime. Second, we know of no other similar requirement attached to security-related MOUs we have concluded with other nations. Why Israel deserves uniquely unequal treatment in this regard is beyond us. Third, the provision was a clear encroachment on Congress's core constitutional power to determine the national security interests of the United States and how best to use public funds to defend those interests.

We take this opportunity to remind you that the \$75 million increase in funding was duly passed by both houses of Congress, signed by the President, and was accompanied by no signing statement or objection from the Executive Branch. Even if we assume that President Obama's

attempt to hamstring Israel and Congress was constitutional, there should be no doubt that a funding decision embedded in U.S. law by the democratic process overrides a mere diplomatic understanding reached by a former president.

We also highlight that the increase in funding was publicly welcomed by Prime Minister Benjamin Netanyahu following President Trump's visit to Israel, shortly after the funding was signed into law. If the United States were to seek those funds back at this time, it would send a message of irresolution to our strongest ally in the Middle East. And the move would be duly noted by our mutual adversaries in the region.

We greatly appreciate your attention to this matter and consideration of our concerns. At a time in history when the United States faces a number of dire and growing threats across the globe, our priority should be bolstering allied relationships and sending clear messages about the strength of U.S. security commitments. In furtherance of that priority, we urge you not to seek the return of the \$75 million in U.S. security assistance that has been appropriated for Israel.

Sincerely,

A handwritten signature in blue ink that reads "Tom Cotton".

Tom Cotton
United States Senator

A handwritten signature in blue ink that reads "Marco Rubio".

Marco Rubio
United States Senator

CC Lt. Gen. H.R. McMaster, Assistant to the President for National Security Affairs