

108TH CONGRESS  
1ST SESSION

# S. 1944

To enhance peace between the Israelis and Palestinians.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 24, 2003

Mr. ENSIGN (for himself, Mr. NELSON of Florida, Mr. COLEMAN, Mr. GRAHAM of South Carolina, Mr. CRAPO, Mr. REID, Mr. BAYH, Mr. EDWARDS, Mr. ALLARD, Mr. SMITH, Mr. ALLEN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To enhance peace between the Israelis and Palestinians.

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 “Israeli-Palestinian  
5       Peace Enhancement Act of 2003”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) The security of the State of Israel is a  
9       major and enduring national security interest of the  
10       United States.

1           (2) A lasting peace in the Middle East region,  
2           which Israel desperately seeks, can only take root in  
3           an atmosphere free of violence and terrorism.

4           (3) The Palestinian people have been ill-served  
5           by leaders who, by resorting to violence and ter-  
6           rorism to pursue their political objectives, have  
7           brought economic and personal hardship to their  
8           people and brought a halt to efforts seeking a nego-  
9           tiated settlement of the conflict.

10          (4) The United States has an interest in a Mid-  
11          dle East in which two states, Israel and Palestine,  
12          will live side by side in peace and security.

13          (5) In his speech of June 24, 2002, and in  
14          other statements, President George W. Bush out-  
15          lined a comprehensive vision of the possibilities of  
16          peace in the Middle East region following a change  
17          in Palestinian leadership.

18          (6) President Bush stated in his June 24,  
19          2002, speech that “a stable and peaceful Palestinian  
20          state is necessary to achieve the security that Israel  
21          longs for,” and Israel has committed itself to con-  
22          crete steps to achieve that end.

23          (7) The Palestinian state must be a reformed,  
24          peaceful, and democratic state that abandons forever  
25          the use of terror.

1           (8) Israel has repeatedly indicated its willing-  
2           ness to make painful concessions to achieve peace  
3           once there is a partner for peace on the Palestinian  
4           side.

5 **SEC. 3. PURPOSES.**

6           The purposes of this Act are—

7           (1) to express the sense of Congress with re-  
8           spect to United States recognition of a Palestinian  
9           state;

10          (2) to encourage the emergence of a Palestinian  
11          leadership that is capable of achieving the reforms  
12          outlined by President Bush, including making peace  
13          with Israel, combating all forms of terrorism, and  
14          developing a peaceful, democratic Palestinian state;  
15          and

16          (3) to demonstrate United States willingness to  
17          provide substantial economic and humanitarian as-  
18          sistance, and to support large-scale multilateral as-  
19          sistance, to a peaceful, democratic Palestinian state,  
20          after the Palestinians have achieved the reforms out-  
21          lined by President Bush and have achieved peace  
22          with Israel.

23 **SEC. 4. SENSE OF CONGRESS.**

24          It is the sense of Congress that—

1           (1) peace between Israel and the Palestinians  
2 cannot be achieved until the Palestinian system of  
3 government has been transformed along the lines  
4 outlined in President Bush's June 24, 2002, speech;

5           (2) substantial United States and international  
6 economic assistance will be needed after the Pal-  
7 estinians have achieved the reforms described in sec-  
8 tion 620K(c)(2) of the Foreign Assistance Act of  
9 1961 (as added by section 6 of this Act) and have  
10 made a lasting and secure peace with Israel;

11           (3) any new Palestinian administration urgently  
12 should take the necessary security-related steps to  
13 allow for implementation of a performance-based  
14 road map to resolve the Israeli-Palestinian conflict;

15           (4) the United States Administration should  
16 work vigorously toward the goal of two states living  
17 side-by-side in peace within secure and internation-  
18 ally-recognized boundaries free from threats or acts  
19 of force; and

20           (5) the United States has a vital national secu-  
21 rity interest in a permanent, comprehensive, and  
22 just resolution of the Arab-Israeli conflict, and par-  
23 ticularly the Palestinian-Israeli conflict, based on the  
24 terms of United Nations Security Council Resolu-  
25 tions 242 and 338.

1 terms of United Nations Security Council Resolu-  
2 tions 242 and 338.

3 **SEC. 5. RECOGNITION OF A PALESTINIAN STATE.**

4 It is the sense of Congress that a Palestinian state  
5 should not be recognized by the United States until the  
6 President determines that—

7 (1) a new leadership of a Palestinian governing  
8 entity, not compromised by terrorism, has been  
9 elected and taken office; and

10 (2) the newly-elected Palestinian governing enti-  
11 ty—

12 (A) has demonstrated a firm and tangible  
13 commitment to peaceful coexistence with the  
14 State of Israel and to ending anti-Israel incite-  
15 ment, including the cessation of all officially  
16 sanctioned or funded anti-Israel incitement;

17 (B) has taken sustained and effective  
18 measures to counter terrorism and terrorist fi-  
19 nancing in the West Bank and Gaza, including  
20 the dismantling of the terrorist infrastructure  
21 and the confiscation of unlawful weaponry;

22 (C) has established one unified Palestinian  
23 security entity that is fully cooperating with the  
24 appropriate Israeli security organizations;

1 (D) has achieved exclusive authority and  
2 responsibility for governing the national affairs  
3 of a Palestinian state, has taken effective steps  
4 to ensure democracy, the rule of law, and an  
5 independent judiciary, and has adopted other  
6 reforms ensuring transparent and accountable  
7 governance; and

8 (E) has taken effective steps to ensure that  
9 its education and communications systems pro-  
10 mote the acceptance of Israel’s existence and of  
11 peace with Israel and actively discourage anti-  
12 Israel incitement.

13 **SEC. 6. LIMITATION ON ASSISTANCE TO A PALESTINIAN**  
14 **STATE.**

15 Chapter 1 of part III of the Foreign Assistance Act  
16 of 1961 (22 U.S.C. 2351 et seq.) is amended—

17 (1) by redesignating the second section 620G  
18 (as added by section 149 of Public Law 104–164  
19 (110 Stat. 1436)) as section 620J; and

20 (2) by adding at the end the following new sec-  
21 tion:

22 **“SEC. 620K. LIMITATION ON ASSISTANCE TO A PALES-**  
23 **TINIAN STATE.**

24 **“(a) LIMITATION.—**

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law, direct assistance may be provided  
3           under this Act or any other provision of law to the  
4           government of a Palestinian state only during a pe-  
5           riod for which a certification described in subsection  
6           (c) is in effect. The limitation contained in the pre-  
7           ceding sentence shall not apply (A) to humanitarian  
8           or development assistance that is provided through  
9           nongovernmental organizations for the benefit of the  
10          Palestinian people in the West Bank and Gaza, or  
11          (B) to assistance that is intended to reform the Pal-  
12          estinian Authority and affiliated institutions, or a  
13          newly elected Palestinian governing entity, in order  
14          to help meet the requirements contained in subpara-  
15          graphs (A) through (H) of subsection (c)(2) or to  
16          address the matters described in subparagraphs (A)  
17          through (E) of section 5(2) of the Israeli-Palestinian  
18          Peace Enhancement Act of 2003.

19           “(2) WAIVER.—The President may waive the  
20          limitation of the first sentence of paragraph (1) if  
21          the President determines and certifies to the Com-  
22          mittee on International Relations and the Committee  
23          on Appropriations of the House of Representatives  
24          and the Committee on Foreign Relations and the  
25          Committee on Appropriations of the Senate that it

1 is vital to the national security interest of the United  
2 States to do so.

3 “(b) CONGRESSIONAL NOTIFICATION.—

4 “(1) IN GENERAL.—Assistance made available  
5 under this Act or any other provision of law to a  
6 Palestinian state may not be provided until 15 days  
7 after the date on which the President has provided  
8 notice thereof to the Committee on International Re-  
9 lations and the Committee on Appropriations of the  
10 House of Representatives and to the Committee on  
11 Foreign Relations and the Committee on Appropria-  
12 tions of the Senate in accordance with the proce-  
13 dures applicable to reprogramming notifications  
14 under section 634A(a) of this Act.

15 “(2) SUNSET.—Paragraph (1) shall cease to be  
16 effective beginning ten years after the date on which  
17 notice is first provided under such paragraph.

18 “(c) CERTIFICATION.—A certification described in  
19 this subsection is a certification transmitted by the Presi-  
20 dent to Congress that—

21 “(1) a Palestinian state exists and has been  
22 recognized by the United States and Israel and ad-  
23 mitted to the United Nations;

1           “(2) a binding international peace agreement  
2 exists between Israel and the Palestinian state  
3 that—

4                   “(A) was freely signed by both parties;

5                   “(B) guarantees both parties’ commitment  
6 to a mutually agreed border between two states  
7 that constitutes a secure and internationally  
8 recognized boundary for both states, with no re-  
9 maining territorial claims;

10                  “(C) provides a permanent resolution for  
11 both Palestinian refugees and Jewish refugees  
12 from Arab countries;

13                  “(D) provides for mutually agreeable ar-  
14 rangements on all remaining permanent status  
15 issues, including borders, settlements, water re-  
16 sources, and Jerusalem; and

17                  “(E) includes a renunciation of all remain-  
18 ing claims through provisions that commit both  
19 sides to the end of the conflict; and

20           “(3) the new Palestinian government—

21                   “(A) has been democratically elected  
22 through free and fair elections, has exclusive  
23 authority and responsibility for governing the  
24 national affairs of the Palestinian state, and

1 has achieved the reforms outlined by President  
2 Bush in his June 24, 2002, speech;

3 “(B) has completely renounced the use of  
4 violence against the State of Israel and its citi-  
5 zens, is vigorously attempting to prevent any  
6 acts of terrorism against Israel and its citizens,  
7 and punishes the perpetrators of such acts in a  
8 manner commensurate with their actions;

9 “(C) has dismantled, and terminated the  
10 funding of, any group within its territory that  
11 conducts terrorism against Israel;

12 “(D) is engaging in ongoing and extensive  
13 security cooperation with the State of Israel;

14 “(E) refrains from any officially sanctioned  
15 or funded statement or act designed to incite  
16 Palestinians or others against the State of  
17 Israel and its citizens;

18 “(F) has an elected leadership not com-  
19 promised by terror;

20 “(G) has instituted clearly defined and  
21 agreed upon limits on its military; and

22 “(H) has no alliances or agreements that  
23 pose a threat to the security of the State of  
24 Israel.

1       “(d) RECERTIFICATIONS.—Not later than 90 days  
2 after the date on which the President transmits to Con-  
3 gress an initial certification under subsection (c), and  
4 every 6 months thereafter for the 10-year period beginning  
5 on the date of transmittal of such certification—

6               “(1) the President shall transmit to Congress a  
7 recertification that the requirements contained in  
8 subsection (c) are continuing to be met; or

9               “(2) if the President is unable to make such a  
10 recertification, the President shall transmit to Con-  
11 gress a report that contains the reasons therefor.

12       “(e) RULE OF CONSTRUCTION.—A certification  
13 under subsection (c) shall be deemed to be in effect begin-  
14 ning on the day after the last day of the 10-year period  
15 described in subsection (d) unless the President subse-  
16 quently determines that the requirements contained in  
17 subsection (c) are no longer being met and the President  
18 transmits to Congress a report that contains the reasons  
19 therefor.”.

20 **SEC. 7. AUTHORIZATION OF ASSISTANCE TO A PALES-**  
21 **TINIAN STATE.**

22       Chapter 1 of part III of the Foreign Assistance Act  
23 of 1961 (22 U.S.C. 2351 et seq.), as amended by section  
24 1506, is further amended by adding at the end the fol-  
25 lowing new section:

1 **“SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALES-**  
2 **TINIAN STATE.**

3 “(a) ASSISTANCE.—The President is authorized to  
4 provide assistance to a Palestinian state in accordance  
5 with the requirements of this section.

6 “(b) ACTIVITIES TO BE SUPPORTED.—Assistance  
7 provided under subsection (a) shall be used to support ac-  
8 tivities within a Palestinian state to substantially improve  
9 the economy and living conditions of the Palestinians by,  
10 among other things, providing for economic development  
11 in the West Bank and Gaza, continuing to promote democ-  
12 racy and the rule of law, developing water resources, as-  
13 sisting in security cooperation between Israelis and Pal-  
14 estinians, and helping with the compensation and rehabili-  
15 tation of Palestinian refugees.

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—Of the  
17 amounts made available to carry out chapter 4 of part  
18 II of this Act for a fiscal year, there are authorized to  
19 be appropriated to the President to carry out subsections  
20 (a) and (b) such sums as may be necessary for each such  
21 fiscal year.

22 “(d) COORDINATION OF INTERNATIONAL ASSIST-  
23 ANCE.—

24 “(1) IN GENERAL.—Beginning on the date on  
25 which the President transmits to Congress an initial

1 certification under section 620K(c), the Secretary of  
2 State shall—

3 “(A) seek to convene one or more donors  
4 conferences to gain commitments from other  
5 countries, multilateral institutions, and non-  
6 governmental organizations to provide economic  
7 assistance to Palestinians;

8 “(B) seek to ensure that such commit-  
9 ments to provide assistance are honored in a  
10 timely manner;

11 “(C) promote coordination of assistance  
12 among the United States and such other coun-  
13 tries, multilateral institutions, and nongovern-  
14 mental organizations;

15 “(D) monitor the assistance to ensure that  
16 the assistance provided to Palestinians is used  
17 for the purposes for which it was provided; and

18 “(E) seek to ensure that other countries,  
19 multilateral institutions, and nongovernmental  
20 organizations do not provide assistance to Pal-  
21 estinians through entities that are designated  
22 as terrorist organizations under United States  
23 law.

24 “(2) ANNUAL REPORTS.—Not later than 180  
25 days after the date of the enactment of this section,

1 and on an annual basis thereafter, the Secretary of  
2 State shall prepare and submit to the Committee on  
3 International Relations and the Committee on Ap-  
4 propriations of the House of Representatives and the  
5 Committee on Foreign Relations and the Committee  
6 on Appropriations of the Senate a report that de-  
7 scribes the activities undertaken to meet the require-  
8 ments of paragraph (1).

9 “(3) BURDENSARING.—Each report under  
10 paragraph (2) shall include a description of the  
11 amounts committed, and the amounts provided, to a  
12 Palestinian state or Palestinians during the report-  
13 ing period by each country and organization.”.

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