

108TH CONGRESS
1ST SESSION

S. 1029

To enhance peace between the Israelis and Palestinians.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2003

Mr. ENSIGN introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

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 title 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 can only take root in an atmosphere free of violence
3 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) The Palestinian state must be a reformed,
19 peaceful, and democratic state that abandons forever
20 the use of terror.

21 (7) On April 29, 2003, the Palestinian Legisla-
22 tive Council confirmed in office, by a vote of 51
23 yeas, 18 nays, and 3 abstentions, the Palestinian
24 Authority's first prime minister, Mahmoud Abbas
25 (Abu Mazen), and his cabinet.

1 (8) In his remarks prior to the vote of the Pal-
2 estinian Legislative Council, Mr. Abbas declared:
3 “The government will concentrate on the question of
4 security . . . The unauthorized possession of weap-
5 ons, with its direct threat to the security of the pop-
6 ulation, is a major concern that will be relentlessly
7 addressed . . . There will be no other decision-mak-
8 ing authority except for the Palestinian Authority.”.

9 (9) In those remarks, Mr. Abbas further stated:
10 “We denounce terrorism by any party and in all its
11 forms both because of our religious and moral tradi-
12 tions and because we are convinced that such meth-
13 ods do not lend support to a just cause like ours but
14 rather destroy it.”.

15 (10) Israel has repeatedly indicated its willing-
16 ness to make painful concessions to achieve peace
17 once there is a partner for peace on the Palestinian
18 side.

19 **SEC. 3. PURPOSES.**

20 The purposes of this title are—

21 (1) to express the sense of Congress with re-
22 spect to United States recognition of a Palestinian
23 state; and

24 (2) to demonstrate United States willingness to
25 provide substantial economic and humanitarian as-

1 assistance, and to support large-scale multilateral as-
2 sistance, after the Palestinians have achieved the re-
3 forms outlined by President Bush and have achieved
4 peace with the State of Israel.

5 **SEC. 4. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) peace between Israel and the Palestinians
8 cannot be negotiated until the Palestinian system of
9 government has been transformed along the lines
10 outlined in President Bush's June 24, 2002, speech;

11 (2) substantial United States and international
12 economic assistance will be needed after the Pal-
13 estinians have achieved the reforms described in sec-
14 tion 620K(c)(2) of the Foreign Assistance Act of
15 1961 (as added by section 1506 of this Act) and
16 have made a lasting and secure peace with Israel;

17 (3) the Palestinian people merit commendation
18 on the confirmation of the Palestinian Authority's
19 first prime minister, Mahmoud Abbas (Abu Mazen),
20 and his cabinet;

21 (4) the new Palestinian administration urgently
22 should take the necessary security-related steps to
23 allow for implementation of a performance-based
24 road map to resolve the Israeli-Palestinian conflict;

1 (5) the United States Administration should
2 work vigorously toward the goal of two states living
3 side-by-side in peace within secure and internation-
4 ally-recognized boundaries free from threats or acts
5 of force; and

6 (6) the United States has a vital national secu-
7 rity interest in a permanent, comprehensive, and
8 just resolution of the Arab-Israeli conflict, and par-
9 ticularly the Palestinian-Israeli conflict, based on the
10 terms of United Nations Security Council Resolu-
11 tions 242 and 338.

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

13 It is the sense of Congress that a Palestinian state
14 should not be recognized by the United States until the
15 President determines that—

16 (1) a new leadership of a Palestinian governing
17 entity, not compromised by terrorism, has been
18 elected and taken office; and

19 (2) the newly-elected Palestinian governing enti-
20 ty—

21 (A) has demonstrated a firm and tangible
22 commitment to peaceful coexistence with the
23 State of Israel and to ending anti-Israel incite-
24 ment, including the cessation of all officially
25 sanctioned or funded anti-Israel incitement;

1 (B) has taken appropriate measures to
2 counter terrorism and terrorist financing in the
3 West Bank and Gaza, including the dismantling
4 of terrorist infrastructures and the confiscation
5 of unlawful weaponry;

6 (C) has established a new Palestinian secu-
7 rity entity that is fully cooperating with the ap-
8 propriate Israeli security organizations;

9 (D) has achieved exclusive authority and
10 responsibility for governing the national affairs
11 of a Palestinian state, has taken effective steps
12 to ensure democracy, the rule of law, and an
13 independent judiciary, and has adopted other
14 reforms ensuring transparent and accountable
15 governance; and

16 (E) has taken effective steps to ensure that
17 its education system promotes the acceptance of
18 Israel's existence and of peace with Israel and
19 actively discourages anti-Israel incitement.

20 **SEC. 6. LIMITATION ON ASSISTANCE TO A PALESTINIAN**
21 **STATE.**

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

1 (1) by redesignating the second section 620G
2 (as added by section 149 of Public Law 104–164
3 (110 Stat. 1436)) as section 620J; and

4 (2) by adding at the end the following new sec-
5 tion:

6 **“SEC. 620K. LIMITATION ON ASSISTANCE TO A PALES-**
7 **TINIAN STATE.**

8 “(a) LIMITATION.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, assistance may be provided under
11 this Act or any other provision of law to the govern-
12 ment of a Palestinian state only during a period for
13 which a certification described in subsection (c) is in
14 effect. The limitation contained in the preceding sen-
15 tence shall not apply (A) to humanitarian or devel-
16 opment assistance that is provided through non-
17 governmental organizations for the benefit of the
18 Palestinian people in the West Bank and Gaza, or
19 (B) to assistance that is intended to reform the Pal-
20 estinian Authority and affiliated institutions, or a
21 newly elected Palestinian governing entity, in order
22 to help meet the requirements contained in subpara-
23 graphs (A) through (H) of subsection (c)(2) or to
24 address the matters described in subparagraphs (A)

1 through (E) of section 1505(2) of the Israeli-Pales-
2 tinian Peace Enhancement Act of 2003.

3 “(2) WAIVER.—The President may waive the
4 limitation of the first sentence of paragraph (1) if
5 the President determines and certifies to the Com-
6 mittee on International Relations of the House of
7 Representatives and the Committee on Foreign Re-
8 lations of the Senate that it is vital to the national
9 interest of the United States to do so.

10 “(b) CONGRESSIONAL NOTIFICATION.—

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

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

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

4 “(1) a binding international peace agreement
5 exists between Israel and the Palestinians that—

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

7 “(B) guarantees both parties’ commitment
8 to a border between two states that constitutes
9 a secure and internationally recognized bound-
10 ary for both states, with no remaining terri-
11 torial claims;

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

15 “(D) includes a renunciation of all remain-
16 ing Palestinian claims against Israel through
17 provisions that commit both sides to the “end
18 of the conflict”; and

19 “(2) the new Palestinian government—

20 “(A) has been democratically elected
21 through free and fair elections, has exclusive
22 authority and responsibility for governing the
23 national affairs of the Palestinian state, and
24 has achieved the reforms outlined by President
25 Bush in his June 24, 2002, speech;

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

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

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

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

16 “(F) has an elected leadership not com-
17 promised by terror;

18 “(G) is demilitarized; and

19 “(H) has no alliances or agreements that
20 pose a threat to the security of the State of
21 Israel.

22 “(d) RECERTIFICATIONS.—Not later than 90 days
23 after the date on which the President transmits to Con-
24 gress an initial certification under subsection (c), and

1 every 6 months thereafter for the 10-year period beginning
2 on the date of transmittal of such certification—

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

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

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

17 **SEC. 7. AUTHORIZATION OF ASSISTANCE TO A PALES-**
18 **TINIAN STATE.**

19 Chapter 1 of part III of the Foreign Assistance Act
20 of 1961 (22 U.S.C. 2351 et seq.), as amended by section
21 1506, is further amended by adding at the end the fol-
22 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
26 certification under section 620K(c), the Secretary of

1 State shall seek to convene one or more donors con-
2 ferences to gain commitments from other countries,
3 multilateral institutions, and nongovernmental orga-
4 nizations to provide economic assistance to Palestin-
5 ians to ensure that such commitments to provide as-
6 sistance are honored in a timely manner, to ensure
7 that there is coordination of assistance among the
8 United States and such other countries, multilateral
9 institutions, and nongovernmental organizations, to
10 ensure that the assistance provided to Palestinians is
11 used for the purposes for which it was provided, and
12 to ensure that other countries, multilateral institu-
13 tions, and nongovernmental organizations do not
14 provide assistance to Palestinians through entities
15 that are designated as terrorist organizations under
16 United States law.

17 “(2) REPORT.—Not later than 180 days after
18 the date of the enactment of this section, and on an
19 annual basis thereafter, the Secretary of State shall
20 prepare and submit to the Committee on Inter-
21 national Relations and the Committee on Appropria-
22 tions of the House of Representatives and the Com-
23 mittee on Foreign Relations and the Committee on
24 Appropriations of the Senate a report that describes
25 the activities undertaken to meet the requirements

1 of paragraph (1), including a description of amounts
2 committed, and the amounts provided, to a Pales-
3 tinian state or Palestinians during the reporting pe-
4 riod by each country and organization.”.

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