

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING UNITED STATES EFFORTS TO RESOLVE THE ISRAELI-PALESTINIAN CONFLICT THROUGH A NEGOTIATED TWO-STATE SOLUTION

OCTOBER 17, 2019.—Referred to the House Calendar and ordered to be printed

Mr. ENGEL, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H. Res. 326]

THE REPORT

The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 326) expressing the sense of the House of Representatives regarding United States efforts to resolve the Israeli-Palestinian conflict through a negotiated two-state solution, having considered the same, report favorably thereon with amendments and recommend that the resolution as amended be agreed to.

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The amendments are as follows:
Strike the preamble and insert the following:

Whereas the special relationship between the United States and Israel is rooted in shared national security interests and shared values of democracy, human rights, and the rule of law;

Whereas the United States has worked for decades to strengthen Israel's security through assistance and cooperation on defense and intelligence matters in order to enhance the safety of United States and Israeli citizens;

Whereas the United States remains unwavering in its commitment to help Israel address the myriad challenges it faces, including terrorism, regional instability, horrifying violence in neighboring states, and hostile regimes that call for its destruction;

Whereas the United States has long sought a just, stable, and lasting solution to the Israeli-Palestinian conflict that recognizes the Palestinian right to self-determination and offers Israel long-term security and full normalization with its neighbors;

Whereas for more than 20 years, Presidents of the United States from both political parties and Israeli Prime Ministers have supported reaching a two-state solution that establishes a Palestinian state coexisting side by side with Israel in peace and security;

Whereas for more than 20 years, Presidents of the United States from both political parties have opposed settlement expansion, moves toward unilateral annexation of territory, and efforts to achieve Palestinian statehood status outside the framework of negotiations with Israel;

Whereas United States administrations from both political parties have put forward proposals to provide a framework for negotiations toward a two-state solution, including the parameters put forward by President Bill Clinton in December 2000, the Road Map proposed by President George W. Bush in April 2003, and the principles set forth by President Barack Obama and Secretary of State John Kerry in December 2016;

Whereas ending the Israeli-Palestinian conflict is vital to the interests of both parties and the leadership of both parties must negotiate in good faith in order to achieve peace; and

Whereas delays to a political solution to the conflict between Israelis and Palestinians pose a threat to the ability to maintain a Jewish and democratic state of Israel and the establishment of a viable, democratic Palestinian state: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That it is the sense of the House of Representatives that—

(1) only the outcome of a two-state solution that enhances stability and security for Israel, Palestinians, and their neighbors can both ensure the state of Israel's survival as a Jewish and democratic state and fulfill the legitimate aspirations of the Palestinian people for a state of their own;

(2) while the United States remains indispensable to any viable effort to achieve that goal, only the Israelis and the Palestinians can make the difficult choices necessary to end their conflict;

(3) the United States, with the support of regional and international partners, can play a constructive role toward ending the Israeli-Palestinian conflict by putting forward a proposal for achieving a two-state solution that is consistent with previous United States proposals to resolve the conflict's final status issues in ways that recognize the Palestinian right to self-determination and enhance Israel's long-term security and normalization with its neighbors; and

(4) a United States proposal to achieve a just, stable, and lasting solution to the Israeli-Palestinian conflict should expressly endorse a two-state solution as its objective and discourage steps by either side that would put a peaceful end to the conflict further out of reach, including unilateral annexation of territory or efforts to achieve Palestinian statehood status outside the framework of negotiations with Israel.

PURPOSE AND SUMMARY

The purpose of the resolution is to affirm the House of Representatives' commitment to a two-state solution to the Israeli-Palestinian conflict.

BACKGROUND AND NEED FOR THE LEGISLATION

Israel has been an ally and partner of the United States since its founding in 1948. The United States and Israel share a special

relationship, rooted in shared national security interests and shared values of democracy, human rights, and the rule of law. The United States has worked to strengthen Israel's security through assistance and defense cooperation.

For decades both Republican and Democratic administrations have sought to play a proactive role in advancing a two-state solution to the Israeli-Palestinian conflict that would result in a secure, democratic, Jewish state living side by side with a peaceful, viable, democratic Palestinian state. In 2002, President George W. Bush stated, "My vision is two states, living side by side in peace and security." In 2013, President Barack Obama reiterated this commitment, stating that "negotiations will be necessary, but there is little secret about where they must lead—two states for two peoples."

As recently as May 2018, the House has expressed support for a negotiated two-state solution, with the passage of H. Res. 835, introduced by Reps. Virginia Foxx, Albio Sires, Michael McCaul, and Nita Lowey, which stated that the House "reiterates its support for a negotiated settlement leading to a sustainable two-state solution with the democratic, Jewish state of Israel and a demilitarized, democratic Palestinian state living side-by-side in peace and security."

In recent years, Israelis and Palestinians have engaged in unilateral actions which make a peaceful end to the conflict more difficult to achieve. These include the endorsement of potential annexation of disputed territory and Palestinian efforts to achieve statehood outside the framework of negotiations with Israel. This resolution is meant to discourage such unilateral steps.

COMMITTEE HEARINGS

May 8, 2019 Subcommittee on Middle East, North Africa and International Terrorism hearing on "Opportunities and Challenges in U.S. Relations with the Gulf states" (Witness: Timothy Lenderking, Deputy Assistant Secretary for Arabian Gulf Affairs, Bureau of Near Eastern Affairs, Department of State)

April 3, 2019 Subcommittee hearing on "Assessing U.S. Policy Priorities in the Middle East" (Witnesses: Elisa Catalano Ewers, adjunct senior fellow in the Center for a New American Security's Middle East Security Program; Dan Benaim, senior fellow at the Center for American Progress)

Mar. 27, 2019 Full Committee hearing on "The State Department's Foreign Policy Strategy and Fiscal Year Budget Request" (Witness, Secretary Mike Pompeo, Department of State)

COMMITTEE CONSIDERATION

On April 25, 2019, Representative Alan Lowenthal introduced H. Res. 326 in order to re-affirm the House of Representative's commitment to a two-state solution to the Israeli-Palestinian conflict.

The Committee on Foreign Affairs met to consider H. Res. 326 on Wednesday, July 17, 2019 and considered no amendments to the resolution. Mr. Engel moved that the Committee favorably report the resolution, H. Res. 326 to the House with the recommendation that the resolution be approved. The motion was agreed to by a voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of House rule X, are incorporated in the descriptive portions of this report.

NON-DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, the committee states that no provision of H. Res. 326 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

PERFORMANCE GOALS AND OBJECTIVES

The objective of H. Res. 326 is to express support for a two-state solution to the Israeli-Palestinian conflict.

CONGRESSIONAL ACCOUNTABILITY ACT

H. Res. 326 does not apply to terms and conditions of employment or to access to public services or accommodations within the legislative branch.

NEW ADVISORY COMMITTEES

H. Res. 326 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H. Res. 326 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House rule XXI.

SUMMARY OF MAJOR PROVISIONS OF THE RESOLUTION

The resolution supports a two-state solution to the Israeli-Palestinian conflict; affirms that while the United States is indispensable to the effort to achieve a two-state solution, only the Israelis and Palestinians themselves can end their conflict; and discourages unilateral steps, whether by Israelis or Palestinians, that would make a peaceful end to the conflict more difficult to achieve.

SECTION-BY-SECTION ANALYSIS

This resolution's preamble endorses efforts to resolve the Israeli-Palestinian conflict through a negotiated two-state solution. It expresses support for the special relationship between the United States and Israel rooted in shared security interests and shared values of democracy, human rights, and the rule of law. The resolution notes that for more than 20 years, U.S. Presidents from both political parties and Israeli Prime Ministers have supported reaching a two-state solution that establishes a Palestinian state living side-by-side with Israel in peace and security.

The resolution resolves that it is the sense of the House of Representatives that a two-state solution enhances stability and security in the Middle East, ensures Israel's survival as a secure, Jewish, and democratic state and fulfills the legitimate aspirations of the Palestinian people for a state of their own. It expresses that only Israelis and Palestinians can achieve such a solution through direct negotiations and that the United States can play a constructive role in supporting such a solution. It also resolves that any proposal to achieve a just, stable, and lasting solution to the Israeli-Palestinian conflict should endorse a two-state solution as its objective and discourage unilateral steps that would make a peaceful end to the conflict more difficult to achieve, whether by Israelis or Palestinians, including annexation of territory or efforts to achieve Palestinian statehood status outside the framework of negotiations with Israel.

DISSENTING VIEWS

House Resolution 326 is a partisan political messaging tool masquerading as a statement of support for a two-state solution to the Israeli-Palestinian conflict. The House Foreign Affairs Committee has already passed several substantive, bipartisan pieces of legislation in support of a two-state solution that do not rebuke the Trump Administration as Representative Lowenthal's resolution does. The only logical explanation for this resolution coming to the House floor is to provide Democrats a chance to score points against the President. This is another example of the bad politics which have become the hallmark of the Democrat Leadership.

In the 116th Congress, both H. Res. 246 (which expresses the House's opposition to the global Boycott, Divestment, and Sanctions movement) and H. Res. 138 (which commends Arab and Muslim-majority states for improving relations with Israel) contain bipartisan re-affirmations of the House's support for a negotiated two-state solution to resolve the Israeli-Palestinian conflict. Notably, H. Res. 326, H. Res. 246, and H. Res. 138 were all considered at the same House Foreign Affairs Committee mark up on July 17, 2019. Suffice it to say, legislative support for a two-state solution in the House of Representatives is not in question.

H. Res. 326 is crafted as a rebuttal to the Administration's public statements on its Israeli-Palestinian peace process efforts. The resolution explicitly calls for the United States to put forward a peace plan "that is consistent with previous United States proposals" despite Administration officials' frequent comments that they seek to undertake a new approach to resolving the decades-long conflict. With introduction and House consideration prior to the release of the Administration's full peace plan, H. Res. 326 is intended to cut the Administration's peace process off at the knees, ensuring that any political proposal released by the Administration already has the black mark of a rebuke by the House of Representatives.

The resolution is also one-sided in containing pointed criticisms directed at the Israeli government while barely acknowledging Palestinian actions that are antithetical to achieving a negotiated peace plan. Notably, the resolution does not acknowledge the Palestinian Authority's practice of paying terrorists and the families of terrorists who commit acts of violence against Israelis, nor does it mention the terrorist group Hamas' control of the Gaza Strip and ongoing attacks on Israel, including attacks targeting civilians. Were the purpose of the resolution truly to support a two-state solution, it should clearly state opposition to Palestinian policies that encourage attacks on Israeli civilians. This glaring omission is a telling indicator of the resolution's true intent.

The problematic issues with this text are even more troubling because H. Res. 326—as a simple nonbinding resolution—is only another in a line of purely rhetorical exercises by the embattled Dem-

ocrat leadership to create an appearance of supportive Middle East policy. Meanwhile, they continue to allow their Socialist flank to thwart substantive legislation that would take meaningful actions to address peace in the region and in other policy areas. For example, despite a discharge petition signed by 196 Members (to date), they continue to refuse to bring forward H.R. 336, the *Strengthening America's Security in the Middle East Act of 2019*, which is identical to the text of S. 1, which passed the Senate by a vote of 77–23, with strong bipartisan support. H.R. 336 takes concrete steps to counter the boycott, divestment, and sanctions movement against Israel, in addition to better supporting Israel and Jordan and punishing Assad's brutal regime.

House Republicans have always supported constructive attempts to help resolve the Israeli-Palestinian conflict. H. Res. 326 is not constructive; its components are damaging to efforts to resolve the Israeli-Palestinian conflict. For these reasons, we strongly oppose this partisan and harmful measure, and dissent from the decision to report it favorably to the House.

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