

108TH CONGRESS
2D SESSION

H. R. 3814

To enhance peace between the Israelis and Palestinians.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2004

Mr. SESSIONS introduced the following bill; which was referred to the
Committee on International 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 Act may be cited as the “Israeli-Palestinian
5 Peace Enhancement Act of 2004”.

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

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

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

8 (2) the newly-elected Palestinian governing enti-
9 ty—

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

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

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

23 (D) has achieved exclusive authority and
24 responsibility for governing the national affairs
25 of a Palestinian state, has taken effective steps
26 to ensure democracy, the rule of law, and an

independent judiciary, and has adopted other reforms ensuring transparent and accountable governance; and

(E) has taken effective steps to ensure that its education and communications systems promote the acceptance of Israel's existence and of peace with Israel and actively discourage anti-Israel incitement.

SEC. 6. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

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

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

(2) by adding at the end the following new section:

“SEC. 620K. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

“(a) LIMITATION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, direct assistance may be provided under this Act or any other provision of law to the government of a Palestinian state only during a pe-

1 riod for which a certification described in subsection
2 (c) is in effect. The limitation contained in the pre-
3 ceding sentence shall not apply (A) to humanitarian
4 or development assistance that is provided through
5 nongovernmental organizations for the benefit of the
6 Palestinian people in the West Bank and Gaza, or
7 (B) to assistance that is intended to reform the Pal-
8 estinian Authority and affiliated institutions, or a
9 newly elected Palestinian governing entity, in order
10 to help meet the requirements contained in subpara-
11 graphs (A) through (H) of subsection (c)(3) or to
12 address the matters described in subparagraphs (A)
13 through (E) of section 5(2) of the Israeli-Palestinian
14 Peace Enhancement Act of 2004.

15 “(2) WAIVER.—The President may waive the
16 limitation of the first sentence of paragraph (1) if
17 the President determines and certifies to the Com-
18 mittee on International Relations and the Committee
19 on Appropriations of the House of Representatives
20 and the Committee on Foreign Relations and the
21 Committee on Appropriations of the Senate that it
22 is vital to the national security interest of the United
23 States to do so.

24 “(b) CONGRESSIONAL NOTIFICATION.—

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

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

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

18 “(1) a Palestinian state exists and has been
19 recognized by the United States and Israel and ad-
20 mitted to the United Nations;

21 “(2) a binding international peace agreement
22 exists between Israel and the Palestinian state
23 that—

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

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

6 “(C) provides a permanent resolution for
7 both Palestinian refugees and Jewish refugees
8 from Arab countries;

9 “(D) provides for mutually agreeable ar-
10 rangements on all remaining permanent status
11 issues, including borders, settlements, water re-
12 sources, and Jerusalem; and

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

16 “(3) the new Palestinian government—

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

23 “(B) has completely renounced the use of
24 violence against the State of Israel and its citi-
25 zens, is vigorously attempting to prevent any

1 acts of terrorism against Israel and its citizens,
2 and punishes the perpetrators of such acts in a
3 manner commensurate with their actions;

4 “(C) has dismantled, and terminated the
5 funding of, any group within its territory that
6 conducts terrorism against Israel;

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

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

13 “(F) has an elected leadership not com-
14 promised by terror;

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

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

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

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

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

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

15 **SEC. 7. AUTHORIZATION OF ASSISTANCE TO A PALES-**
16 **TINIAN STATE.**

17 Chapter 1 of part III of the Foreign Assistance Act
18 of 1961 (22 U.S.C. 2351 et seq.), as amended by section
19 6, is further amended by adding at the end the following
20 new section:

21 **“SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALES-**
22 **TINIAN STATE.**

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

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

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

17 “(d) COORDINATION OF INTERNATIONAL ASSIST-
18 ANCE.—

19 “(1) IN GENERAL.—Beginning on the date on
20 which the President transmits to Congress an initial
21 certification under section 620K(c), the Secretary of
22 State shall—

23 “(A) seek to convene one or more donors
24 conferences to gain commitments from other
25 countries, multilateral institutions, and non-

1 governmental organizations to provide economic
2 assistance to Palestinians;

3 “(B) seek to ensure that such commit-
4 ments to provide assistance are honored in a
5 timely manner;

6 “(C) promote coordination of assistance
7 among the United States and such other coun-
8 tries, multilateral institutions, and nongovern-
9 mental organizations;

10 “(D) monitor the assistance to ensure that
11 the assistance provided to Palestinians is used
12 for the purposes for which it was provided; and

13 “(E) seek to ensure that other countries,
14 multilateral institutions, and nongovernmental
15 organizations do not provide assistance to Pal-
16 estinians through entities that are designated
17 as terrorist organizations under United States
18 law.

19 “(2) ANNUAL REPORTS.—Not later than 180
20 days after the date of the enactment of this section,
21 and on an annual basis thereafter, the Secretary of
22 State shall prepare and submit to the Committee on
23 International Relations and the Committee on Ap-
24 propriations of the House of Representatives and the
25 Committee on Foreign Relations and the Committee

1 on Appropriations of the Senate a report that de-
2 scribes the activities undertaken to meet the require-
3 ments of paragraph (1).

4 “(3) BURDENSARING.—Each report under
5 paragraph (2) shall include a description of the
6 amounts committed, and the amounts provided, to a
7 Palestinian state or Palestinians during the report-
8 ing period by each country and organization.”.

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