

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1064

Entitled the “Middle East Peace Facilitation Act of 1995”.

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## IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 10), 1995

Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. MACK, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. LEAHY, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

Entitled the “Middle East Peace Facilitation Act of 1995”.

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 “Middle East Peace  
5        Facilitation Act of 1995”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds that—

8                (1) the Palestine Liberation Organization (here-  
9                after the “PLO”) has recognized the State of Isra-  
10                el’s right to exist in peace and security; accepted  
11                United Nations Security Council Resolutions 242

1 and 338; committed itself to the peace process and  
2 peaceful coexistence with Israel, free from violence  
3 and all other acts which endanger peace and stabil-  
4 ity; and assumed responsibility over all PLO ele-  
5 ments and personnel in order to assure their compli-  
6 ance, prevent violations, and discipline violators;

7 (2) Israel has recognized the PLO as the rep-  
8 resentative of the Palestinian people;

9 (3) Israel and the PLO signed a Declaration of  
10 Principles on Interim Self-Government Arrange-  
11 ments (hereafter the “Declaration of Principles”) on  
12 September 13, 1993, at the White House;

13 (4) Israel and PLO signed an agreement on the  
14 Gaza Strip and the Jericho Area (hereafter the  
15 “Gaza-Jericho Agreement”) on May 4, 1994, which  
16 established a Palestinian Authority for the Gaza and  
17 Jericho areas;

18 (5) Israel and the PLO signed an Agreement  
19 on Preparatory Transfer of Powers and Responsibil-  
20 ities (hereafter the “Early Empowerment Agree-  
21 ment”) on August 29, 1994, which provided for the  
22 transfer to the Palestinian Authority of certain pow-  
23 ers and responsibilities in the West Bank outside of  
24 the Jericho area;

1           (6) under the terms of the Declaration of Prin-  
2           ciples, the Gaza-Jericho Agreement and the Early  
3           Empowerment Agreement, the powers and respon-  
4           sibilities of the Palestinian Authority are to be as-  
5           sumed by an elected Palestinian Council with juris-  
6           diction in the West Bank and Gaza Strip in accord-  
7           ance with the interim agreement to be concluded be-  
8           tween Israel and the PLO;

9           (7) permanent status negotiations relating to  
10          the West Bank and Gaza Strip are scheduled to  
11          begin by May 1996;

12          (8) the Congress has, since the conclusion of  
13          the Declaration of Principles and the PLO's renun-  
14          ciation of terrorism, provided authorities to the  
15          President to suspend certain statutory restrictions  
16          relating to the PLO, subject to Presidential certifi-  
17          cations that the PLO has continued to abide by  
18          commitments made in and in connection with or re-  
19          sulting from the good faith implementation of the  
20          Declaration of Principles;

21          (9) the PLO commitments relevant to Presi-  
22          dential certifications have included commitments to  
23          renounce and condemn terrorism, to submit to the  
24          Palestinian National Council for formal approval the  
25          necessary changes to those articles of the Palestinian

1 Covenant which call for Israel's destruction, and to  
2 prevent acts of terrorism and hostilities against Is-  
3 rael; and

4 (10) the President, in exercising the aforemen-  
5 tioned authorities, has certified to the Congress on  
6 four occasions that the PLO was abiding by its rel-  
7 evant commitments.

8 **SEC. 3. SENSE OF CONGRESS.**

9 It is the sense of the Congress that although the PLO  
10 has recently shown improvement in its efforts to fulfill its  
11 commitments, it must do far more to demonstrate an ir-  
12 revocable denunciation of terrorism and ensure a peaceful  
13 settlement of the Middle East dispute, and in particular  
14 it must—

15 (1) submit to the Palestine National Council for  
16 formal approval the necessary changes to those arti-  
17 cles of the Palestinian National Covenant which call  
18 for Israel's destruction;

19 (2) make greater efforts to preempt acts of ter-  
20 ror, to discipline violators and to contribute to stem-  
21 ming the violence that has resulted in the deaths of  
22 123 Israeli citizens since the signing of the Declara-  
23 tion of Principles;

24 (3) prohibit participation in its activities and in  
25 the Palestinian Authority and its successors by any

1 groups or individuals which continue to promote and  
2 commit acts of terrorism;

3 (4) cease all anti-Israel rhetoric, which poten-  
4 tially undermines the peace process;

5 (5) confiscate all unlicensed weapons and re-  
6 strict the issuance of licenses to those with legiti-  
7 mate need;

8 (6) transfer and cooperate in transfer proceed-  
9 ings relating to any person accused by Israel of acts  
10 of terrorism; and

11 (7) respect civil liberties, human rights, and  
12 democratic norms.

13 **SEC. 4. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.**

14 (a) IN GENERAL.—Subject to subsection (b), begin-  
15 ning on the date of enactment of this Act and for 18  
16 months thereafter the President may suspend for a period  
17 of not more than 6 months at a time any provision of  
18 law specified in subsection (d). Any such suspension shall  
19 cease to be effective after 6 months, or at such earlier  
20 date as the President may specify.

21 (b) CONDITIONS.—

22 (1) CONSULTATIONS.—Prior to each exercise of  
23 the authority provided in subsection (a) or certifi-  
24 cation pursuant to subsection (c), the President shall  
25 consult with the relevant congressional committees.

1 The President may not exercise that authority or  
2 make such certification until 30 days after a written  
3 policy justification is submitted to the relevant con-  
4 gressional committees.

5 (2) PRESIDENTIAL CERTIFICATION.—The  
6 President may exercise the authority provided in  
7 subsection (a) only if the President certifies to the  
8 relevant congressional committees each time he exer-  
9 cises such authority that—

10 (A) it is in the national interest of the  
11 United States to exercise such authority;

12 (B) the PLO continues to comply with all  
13 the commitments described in paragraph (4);  
14 and

15 (C) funds provided pursuant to the exer-  
16 cise of this authority and the authorities under  
17 section 583(a) of Public Law 103–236 and sec-  
18 tion 3(a) of Public Law 103–125 have been  
19 used for the purposes for which they were in-  
20 tended.

21 (3) REQUIREMENTS FOR CONTINUING PLO COM-  
22 PLIANCE.—

23 (A) The President shall ensure that PLO  
24 performance is continuously monitored and if  
25 the President at any time determines that the

1 PLO has not continued to comply with all the  
2 commitments described in paragraph (4), he  
3 shall so notify the appropriate congressional  
4 committees and any suspension under sub-  
5 section (a) of a provision of law specified in  
6 subsection (d) shall cease to be effective.

7 (B) Beginning 6 months after the date of  
8 enactment of this Act, if the President on the  
9 basis of the continuous monitoring of the  
10 PLO's performance determines that the PLO is  
11 not complying with the requirements described  
12 in subsection (c), he shall so notify the appro-  
13 priate congressional committees and no assist-  
14 ance shall be provided pursuant to the exercise  
15 by the President of the authority provided by  
16 subsection (a) until such time as the President  
17 makes the certification provided for in sub-  
18 section (c).

19 (4) PLO COMMITMENTS DESCRIBED.—The  
20 commitments referred to in paragraphs (2) and  
21 (3)(A) are the commitments made by the PLO—

22 (A) in its letter of September 9, 1993, to  
23 the Prime Minister of Israel; in its letter of  
24 September 9, 1993, to the Foreign Minister of  
25 Norway to—

- 1 (i) recognize the right of the State of  
2 Israel to exist in peace and security;
- 3 (ii) accept United Nations Security  
4 Council Resolutions 242 and 338;
- 5 (iii) renounce the use of terrorism and  
6 other acts of violence;
- 7 (iv) assume responsibility over all  
8 PLO elements and personnel in order to  
9 assure their compliance, prevent violations,  
10 and discipline violators;
- 11 (v) call upon the Palestinian people in  
12 the West Bank and Gaza Strip to take  
13 part in the steps leading to the normaliza-  
14 tion of life, rejecting violence and terror-  
15 ism, and contributing to peace and stabil-  
16 ity; and
- 17 (vi) submit to the Palestine National  
18 Council for formal approval the necessary  
19 changes to the Palestinian National Cov-  
20 enant eliminating calls for Israel's destruc-  
21 tion, and
- 22 (B) in, and resulting from, the good faith  
23 implementation of the Declaration of Principles,  
24 including good faith implementation of subse-  
25 quent agreements with Israel, with particular



1 attention to the objective of preventing terror-  
2 ism, as reflected in the provisions of the Gaza-  
3 Jericho Agreement concerning—

4 (i) prevention of acts of terrorism and  
5 legal measures against terrorists;

6 (ii) abstention from and prevention of  
7 incitement, including hostile propaganda;

8 (iii) operation of armed forces other  
9 than the Palestinian police;

10 (iv) possession, manufacture, sale, ac-  
11 quisition or importation of weapons;

12 (v) employment of police who have  
13 been convicted of serious crimes or have  
14 been found to be actively involved in ter-  
15 rorist activities subsequent to their employ-  
16 ment;

17 (vi) transfers to Israel of individuals  
18 suspected of, charged with, or convicted of  
19 an offense that falls within Israeli criminal  
20 jurisdiction;

21 (vii) cooperation with the Government  
22 of Israel in criminal matters, including co-  
23 operation in the conduct of investigations;  
24 and

1 (viii) exercise of powers and respon-  
2 sibilities under the agreement with due re-  
3 gard to internationally accepted norms and  
4 principles of human rights and the rule of  
5 law.

6 (5) POLICY JUSTIFICATION.—As part of the  
7 President’s written policy justification to be submit-  
8 ted to the relevant congressional committees pursu-  
9 ant to paragraph (1), the President will report on—

10 (A) the manner in which the PLO has  
11 complied with the commitments specified in  
12 paragraph (4), including responses to individual  
13 acts of terrorism and violence, actions to dis-  
14 cipline perpetrators of terror and violence, and  
15 actions to preempt acts of terror and violence;

16 (B) the extent to which the PLO has ful-  
17 filled the requirements specified in subsection  
18 (c);

19 (C) actions that the PLO has taken with  
20 regard to the Arab League boycott of Israel;

21 (D) the status and activities of the PLO  
22 office in the United States; and

23 (E) the status of United States and inter-  
24 national assistance efforts in the areas subject

1 to jurisdiction of the Palestinian Authority or  
2 its successors.

3 (c) REQUIREMENT FOR CONTINUED PROVISION OF  
4 ASSISTANCE.—Six months after the enactment of this  
5 Act, no assistance shall be provided pursuant to the exer-  
6 cise by the President of the authority provided by sub-  
7 section (a), unless and until the President determines and  
8 so certifies to the Congress that—

9 (1) if the Palestinian Council has been elected  
10 and assumed its responsibilities, it has, within a rea-  
11 sonable time, effectively disavowed the articles of the  
12 Palestine National Covenant which call for Israel's  
13 destruction, unless the necessary changes to the  
14 Covenant have already been submitted to the Pal-  
15 estine National Council for formal approval;

16 (2) the PLO has exercised its authority reso-  
17 lutely to establish the necessary enforcement institu-  
18 tions; including laws, police, and a judicial system,  
19 for apprehending, prosecuting, convicting, and im-  
20 prisoning terrorists;

21 (3) the PLO has limited participation in the  
22 Palestinian Authority and its successors to individ-  
23 uals and groups in accordance with the terms that  
24 may be agreed with Israel;

1           (4) the PLO has not provided any financial or  
2 material assistance or training to any group, wheth-  
3 er or not affiliated with the PLO, to carry out ac-  
4 tions inconsistent with the Declaration of Principles,  
5 particularly acts of terrorism against Israel;

6           (5) the PLO has cooperated in good faith with  
7 Israeli authorities in the preemption of acts of ter-  
8 rorism and in the apprehension and trial of per-  
9 petrators of terrorist acts in Israel, territories con-  
10 trolled by Israel, and all areas subject to jurisdiction  
11 of the Palestinian Authority and its successors; and

12           (6) the PLO has exercised its authority reso-  
13 lutely to enact and implement laws requiring the dis-  
14 arming of civilians not specifically licensed to pos-  
15 sess or carry weapons.

16       (d) PROVISIONS THAT MAY BE SUSPENDED.—The  
17 provisions that may be suspended under the authority of  
18 subsection (a) are the following:

19           (1) Section 307 of the Foreign Assistance Act  
20 of 1961 (22 U.S.C. 2227) as it applies with respect  
21 to the PLO or entities associated with it.

22           (2) Section 114 of the Department of State Au-  
23 thorization Act, fiscal years 1984 and 1985 (22  
24 U.S.C. 287e note) as it applies with respect to the  
25 PLO or entities associated with it.

1           (3) Section 1003 of the Foreign Relations Au-  
2           thorization Act, fiscal years 1988 and 1989 (22  
3           U.S.C. 5202).

4           (4) Section 37 of the Bretton Woods Agreement  
5           Act (22 U.S.C. 286W) as it applies to the granting  
6           to the PLO of observer status or other official status  
7           at any meeting sponsored by or associated with the  
8           International Monetary Fund. As used in this para-  
9           graph, the term “other official status” does not in-  
10          clude membership in the International Monetary  
11          Fund.

12          (e) RELEVANT CONGRESSIONAL COMMITTEES DE-  
13          FINED.—As used in this section, the term “relevant con-  
14          gressional committees” means—

15                (1) the Committee on International Relations,  
16                the Committee on Banking and Financial Services,  
17                and the Committee on Appropriations of the House  
18                of Representatives; and

19                (2) the Committee on Foreign Relations and  
20                the Committee on Appropriations of the Senate.

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