

**H.R. 5272, PEACE THROUGH NEGOTIATIONS ACT
OF 2000**

MARKUP
BEFORE THE
**COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES**
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H.R. 5272, PEACE THROUGH NEGOTIATIONS ACT OF 2000

TUESDAY, SEPTEMBER 26, 2000

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The committee met, pursuant to call, at 12:22 p.m. in Room 2167, Rayburn House Office Building, Hon. Benjamin A. Gilman presiding.

Chairman GILMAN. The Committee on International Relations now convenes a business meeting in open session to consider H.R. 5272, the Peace Through Negotiations Act. The chair lays the bill before the committee. The clerk will report the title of the bill.

Ms. BLOOMER. H.R. 5272, a bill to provide for the United States response in the event of a unilateral declaration of a Palestinian state.

Chairman GILMAN. Without objection, the first reading of the bill is dispensed with. The clerk will read the bill for amendment.

Ms. BLOOMER. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1, Short Title. This Act may be—

Chairman GILMAN. Without objection, the bill is considered as having been read. It is open for amendment at any time. I will now recognize myself to introduce a bill.

Because I, and along with many of my colleagues, remain very much concerned about the possibility that Mr. Arafat and the PLO will declare a Palestinian state unilaterally, the committee is today marking up legislation that would underscore the need for a negotiated settlement between Israel and the Palestinians. Our Peace through Negotiations Act of 2000, which I introduced on behalf of myself, Mr. Lazio, Mr. Nadler, Ms. Lowey, Mr. Reynolds, and Mr. Bereuter, recognizes that resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process. That threat continues unabated. Mr. Arafat has not rescinded his announced intention of making such a declaration.

The measure before us would establish that it is the policy of the United States to oppose any unilateral declaration of a Palestinian state, and that diplomatic recognition should be withheld if such a state is unilaterally declared. And in that event this legislation would prohibit all U.S. assistance to the Palestinians except for hu-

manitarian aid, and would downgrade the PLO office in Washington.

Additionally, this measure would encourage other countries and international organizations to join with the United States in withholding diplomatic recognition of such an independent state and would authorize the President of the United States to withhold payment of U.S. contributions to international organizations that recognize any unilaterally declared Palestinian state.

Over 18 months ago, Congress spoke with one voice about the prospects of a unilateral declaration of statehood by the Palestinians. Nonbinding legislation adopted by both houses stated, and I quote, "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition."

This Peace through Negotiations Act is a measured and binding response to that possibility. Accordingly, I am urging our colleagues to strongly support this measure, which we expect to take up on the suspension calendar later today or tomorrow.

Mr. Gejdenson.

[The prepared statement of Chairman Gilman is available in the appendix.]

Mr. GEJDENSON. Mr. Chairman, first, I would request and urge the chairman not to move this today. We are going to mark it up today, but I would hope that you would hold this for the suspension calendar for next week. We have the first serious high level meeting between the head of the Israeli government, Mr. Barak, and Mr. Arafat at Mr. Barak's residence.

We have worked on this an awfully long time, and I would hope that the suspension calendar could be held for one more week to give us time to make sure that we in no way unintentionally harm the process. But I would say that I have an amendment at the desk where I think there is general agreement among most of the members that I have spoken to which would simply—I will wait, and at the appropriate time if you recognize me, offer the amendment. I would just say that I would hope that we would not move this on the suspension calendar today, and at the appropriate time I have an amendment.

Chairman GILMAN. May I suggest that the gentleman offer his amendment at this point, and—

Mr. GEJDENSON. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. The clerk will read the amendment.

Ms. BLOOMER. Amendment offered by Mr. Gejdenson: Page 3, strike line seven and all the follows through line 14 and insert the following—

Chairman GILMAN. Without objection, the amendment is considered as having been read. Mr. Gejdenson is recognized.

Mr. GEJDENSON. Mr. Chairman, I am offering this amendment on behalf of Mr. Berman and Mr. Ackerman and myself. The amendment simply gives the President the ability, if he finds it in the national interest, the security interest of the United States, to waive some of these provisions, and to waive provisions if an agreement between the Palestinians and the Israelis is concluded.

Chairman GILMAN. Is there any comment on the gentleman's amendment?

Mr. BEREUTER. Mr. Chairman.

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman, I have concerns about the gentleman's amendment. I understand he has substantial support for it, but it does go directly opposite the way the legislation is written to make it clear that the President has very little flexibility in issuing the waiver. I think this dramatically undercuts the impact of the legislation.

Mr. GEJDENSON. Would the gentleman yield?

Mr. BEREUTER. I would be—

Mr. GEJDENSON. I think the gentleman may have seen earlier versions. This does not waive the cut of funds directly to the Palestinian Authority. It simply gives the President the ability to waive some of the people-to-people funds on the West Bank and Gaza, some of the democracy-building things. Even if we have a situation where the Palestinian Authority has taken an action we object to, it seems to me it is our national interest, it is in the regional national interest, if the President deems it so, to continue to try to build democratic institutions and some of those other issues.

Mr. BEREUTER. Reclaiming my time, I may, in fact, have thought it is broader than the gentleman's new amendment has indicated.

My understanding of the original legislation is that there were relatively few exceptions on what could continue to flow. One was humanitarian assistance. There was one more that was something of that nature; I have forgotten. But you are saying for counterterrorism.

Mr. GEJDENSON. Yes. The other thing we would make sure is, for instance, that the counterterrorism effort continues.

Chairman GILMAN. Go ahead, Mr. Bereuter.

Mr. GEJDENSON. The amendment makes that happen. In the legislation—part of the art of the language we use in drafting legislation here is that many things that we would generally support and assume in the original language would be permitted are not permitted, and so what we try to do is clarify that, including the question of whether we continue cooperating with them on counterterrorism efforts without the amendment.

Mr. BEREUTER. I just hope we are not eviscerating the legislation process here. Thank you.

Mr. BERMAN. Parliamentary inquiry, Mr. Chairman. Is the amendment before us now?

Chairman GILMAN. Yes. The amendment is before us, but point of inquiry, Mr. Gejdenson, would you elaborate on what is in your amendment? Would you specify what the waiver would encompass?

Mr. GEJDENSON. It gives the President the authority to waive several sections which are enumerated in the bill, three, four, and five of Section 4(a) in the bill, if the President deems it in the national security interests of the country.

Chairman GILMAN. Well, what does that include, Mr. Gejdenson?

Mr. GEJDENSON. It allows people-to-people assistance on the West Bank and Gaza and international organization and obviously funding.

Chairman GILMAN. And does it waive any other provision?

Mr. GEJDENSON. No.

Chairman GILMAN. A point of inquiry was raised by—

Mr. BERMAN. [continuing]. Mr. Berman.

Chairman GILMAN. [continuing]. Mr. Berman.

Mr. BERMAN. There are a number of important policy statements in this. I think this is a very important bill. I think it is very important to move the bill and to try to get it to the President's desk before we leave here this year.

The bill does a number of things. It makes some policy statements, and then it has six, as I understand it, six specific obligations or prohibitions in some cases. The waiver amendment does not apply to number one, which is downgrading the status of the Palestinian office in the United States. If the whole premise of the upgrading of the status was because of Oslo and the willingness to settle conflicts through negotiating processes, the unilateral declaration of independence is directly contrary to that and directly undermines those principles that were agreed to at Oslo, and I do not think that should be waived under any circumstance. This amendment does not waive that.

Number two is the prohibition of U.S. assistance to the government of a unilaterally declared Palestinian state. This amendment does not waive that.

Chairman GILMAN. You are saying the amendment does not waive—

Mr. BERMAN. The amendment does not waive that prohibition, so neither the downgrading nor the prohibition on aid directly to the government.

On assistance to the West Bank and Gaza, a variety of kinds of programs not done through a government of a unilaterally declared state, but through NGOs and other kinds, as the ranking member mentioned, people-to-people programs, infrastructure kinds of issues, health care kinds of issues—things that would not generally be thought of as humanitarian assistance but were still important to the quality of lives of people, a limited waiver would be allowed in that situation.

The fourth one is irrelevant, whether there is a waiver or not because it simply authorizes the United States to withhold contributions to international organizations that recognize a unilaterally declared Palestinian state. Since it is not a mandate, whether you waive it or not is not relevant.

Chairman GILMAN. Does this waive that provision?

Mr. BERMAN. It waives a discretionary authorization. It is not worth the time we have already spent discussing it because since the administration does not have to do that one under your bill, waiving the provision that they do not have to do anyway. So that one is just really of no legal or optical or any other kind of significance.

Number five deals with a limited waiver for the U.S. voting against different kinds of international assistance. I can envision a situation where some international financial institution wants to give money, the World Bank, to deal with the sewage systems in the refugee camps. And I am prepared, as much as I want this bill to move and to pass, to allow a limited waiver for that kind of a program. This amendment does that.

And then the sixth, which is very—

Chairman GILMAN. You are saying the amendment would waive this provision.

Mr. BERMAN. It would not waive it. It would allow—

Chairman GILMAN. Would not waive it?

Mr. BERMAN. It would allow the President, in limited circumstances, to waive it.

Chairman GILMAN. Giving the President discretion, then, to waive it. Is that what you are saying?

Mr. BERMAN. Under the standards of the amendment, that is right, where he makes certain declarations, reports, and certifications.

Mr. ROTHMAN. Will the gentleman yield?

Mr. BERMAN. Sure.

Mr. ROTHMAN. I have a question for the gentleman with regard to number 5(b). This would allow a waiver of the extension by one of the international lending organizations of financial assistance, a waiver of an extension of a loan to “a unilaterally declared Palestinian state.” So that would seem to me not to be so limited. It could be for any purpose. It would not have to be to help sick children or to put in sewage systems. It could be for any purpose that the Palestinian Authority, or at that point the Palestinian state, applied to this international body for a loan, which body receives a significant amount of its financial resources from the United States taxpayers.

Mr. GEJDENSON. Well put, but the absence of a waiver prohibits the extension of any kind of a loan or other financial or technical assistance without regard to the merits of the specific thing.

Mr. ROTHMAN. Will the gentleman yield for one more question?

Mr. GEJDENSON. Yes.

Mr. ROTHMAN. Obviously, the gentleman wants to make, I think, the same point that I do when we supported the underlying bill, which is to make a clear and unambiguous statement to either Israel or the Palestinian Authority that unilateral actions of the nature that this bill discusses, of the magnitude of declaring a state, would have the most severe consequences, unambiguous, and rather hurtful. And this number five, in particular, might eliminate some of the sting of the underlying bill, and it disturbs me greatly.

Mr. BERMAN. If I could just reclaim my time to add one element to that. Most of all, I want a law. I want a law that says you do this—we did not get to number six yet, for which there is no waiver which prohibits any money spent on recognizing a unilaterally declared, independent state. I want a law that does that without question, without chance for waiver. I want a law that mandates the downgrading of the status of the office. I want a law that stops and prohibits aid to the government, and I know that the administration and, I have it on very good information, the U.S. Senate would like to waive everything and put a waiver in for everything.

So to me, this is an attempt to keep as much of the sting in the bill and still leave some room for useful programs that improve the quality of life of the people there without enhancing the government. And, in fact, to the contrary, because of the other things, indicating where we stand should they do this.

So on balance, given the practicalities of getting a law at a very late stage in the session and all this, I think this is not perfect. Maybe I would want to define a waiver for certain kinds of international assistance and no waiver for other kinds, but I do not think time permits us to go case by case like that.

Mr. ROTHMAN. Well, would the gentleman support an effort to amend this amendment by eliminating this number five?

Mr. BERMAN. I would support an amendment that tried to delineate between certain kinds of assistance programs going to this area and others, but I would not support just flipping it around.

Mr. ROTHMAN. Would the gentleman further yield? I am sufficiently concerned that without that I am going to vote against the amendment. I have not decided, even without number five, whether I am going to vote against the amendment or not. I am concerned about it, and, frankly, as a negotiator, if the sentence says they want a broad waiver, the natural response would be a bill with no waiver and let the conference committee hash it out.

Mr. BERMAN. If we go to conference on this—

Chairman GILMAN. Mr. Berman, would you complete your presentation?

Mr. BERMAN. Well, again, the sixth of these; there is no waiver, that is, no funds available under any law may be used to extend U.S. recognition to a unilaterally declared Palestinian state, including, but not limited to, funds for the salary of an ambassador, consul, other diplomatic personnel, costs of embassy, et cetera, et cetera. No waiver allowed for that.

On the key statements of where we stand on both aid to the government and on diplomatic status and status of the Palestinian office here, there are no waivers allowed on this.

Chairman GILMAN. Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman. Mr. Chairman, since I am a strong supporter of the peace process, and the unilateral declaration for statehood by the Palestinians would terminate the peace process, I strongly support your legislation. Clearly, the message is simple. In the event Mr. Arafat and his group unilaterally declare the independence of the Palestinian state, they have destroyed the possibility of pursuing the peace process. Therefore, it is incumbent upon us to make clear what the consequences will be.

I strongly share the view of my friend and colleague from Nebraska, Mr. Bereuter, who raised questions about waivers. I do not think there is any waiver that is called for in this instance.

I am not one, Mr. Chairman, who is preoccupied by process, but I have got to raise a question about the manner in which this legislation is being presented to us. I stood with a group of colleagues from the Senate and the House on July 26. We presented a piece of legislation which is virtually identical to this one. Nothing happened to that piece of legislation between July 26 and September 26. At 3:12 yesterday afternoon, we were sent an e-mail concerning this piece of legislation, which I saw for the first time today.

Now, I think it is singularly inappropriate to proceed along these lines, even though I strongly support the substance of the legislation. It is also singularly inappropriate to request cosponsorships from members who are not members of this committee and totally

ignore members of this committee who would have wished to sponsor this legislation.

I think, Mr. Chairman, we are owed an apology. This was appallingly mishandled. And nevertheless I support the legislation and oppose the concept of—

Chairman GILMAN. I thank you for your support, and I just want to mention that the prior measure had some technical defects, and that is why it lingered in the committee. And you should have been advised in enough time to make some comment.

We will now—

Mr. SMITH. Mr. Chairman.

Chairman GILMAN. Mr. Smith.

Mr. SMITH. I will be very brief and reluctantly rise in opposition to Mr. Berman's waiver amendment.

You know, again and again when we have human rights or very important legislation before this committee, the administration always wants the widest possible waiver. That is if they want the legislation at all. When we were working the religious freedom legislation through the House and the Senate, we reluctantly agreed to, almost as a condition of passage, the waiveability of what they construed to be sanctions. The same thing is happening with the trafficking legislation. We have a very broad waiver on that as well. Okay? If that is the price of getting a consensus, so be it.

But I think here we are dealing with a dramatically different situation. The action has not yet been taken, although it has been threatened by Yasir Arafat, and I think that is no time to show anything but resolve that there will be a predictable penalty if, and only if, the PLO goes ahead, and Yasir Arafat in particular, in declaring Palestinian statehood.

So I think perhaps at some point in the legislation—I hope it does not—some well meaning waiver may be inserted. But coming out of the blocks, as we are today, when we want to send the clearest, unambiguous message to the PLO, I respectfully submit to my friend from California that this is not the time for this amendment to be approved.

Chairman GILMAN. Thank you, Mr. Smith. Any others? Mr. Sherman.

Mr. SHERMAN. We are discussing this, and I want to emphasize that I do not think there is any difference here in Congress or in this committee as to what our policy ought to be in the Middle East, which is total and complete rejection of a unilateral declaration of statehood by the Palestinians.

The question that is really before us, and one that is of great interest here in Washington but not of terribly great interest to those in the Middle East, is to what extent should Congress set forth what American foreign policy is or to what extent should the President have discretion. And this bill is Congress's effort to put our own stamp on foreign policy and, frankly, leave a lot of things to the President that the bill does not even address. But these are areas where I hope the President would be very strong.

First, the President should take all of the actions outlined in this bill, if there is such a unilateral declaration of statehood; second, we ought to immediately move our embassy to Jerusalem; and third, we should support Israel in whatever tough actions it would

need to take in response to this complete cancellation of the peace process.

The question then is, though, do we leave these decisions to the President, or do we mandate them in a bill? And I think that this bill, with the amendment, is the best we can do here in Congress to put our stamp on foreign policy. It leaves a lot to the President. It gives him a waiver authority if the amendment is adopted, but we have got only 2 weeks to pass a bill. We ought to pass a bill almost unanimously, and putting in this waiver will certainly provide some comfort to those who believe that our foreign policy should be fine tuned by the State Department and by the President even after Congress adjourns, because none of these actions will occur while we are in session.

So I think that there is no division that America stands against unilateral declaration of statehood, and we ought to reach a compromise as to what extent the White House determines our reaction and to what extent Congress determines our reaction. But I would hope that the President would take the strongest possible action and beyond this bill. But beyond that, I hope he communicates to the Palestinian side that he is willing to take these actions, and so for that reason there is no declaration of statehood, and these actions become unnecessary.

Chairman GILMAN. Thank you, Mr. Sherman. Any other members seeking recognition on either side? Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman. I am a strong supporter of the peace process, and I think it is well known that I oppose any unilateral action taken by either side. I believe that that forgoes and forestalls the peace process.

I believe at this point we should be very careful in moving forward only because the discussions and negotiations are taking place, and the timing right now for this seems to be a bit much. It seems that this could encumber the peace process if we move this out this week, and certainly if we do move it out, we should have this amendment supporting the national security waiver included.

But I would also back up Mr. Gejdenson's point with regard to deferring this for another week because I think that in our commitment to the peace process we must let the peace process move forward, and we are at such a vulnerable and sensitive time in that process that any message that could undermine either side, I think, would be very detrimental. Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Ms. Lee. Any other members seeking recognition? Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. Mr. Chairman, first, let me applaud your efforts and your intention in this legislation. I wholeheartedly agree with everything that you are trying to do here. I would also echo the sentiments of those who have previously stated that a unilateral declaration of independence would be a total disaster for the peace process and would undermine any pretense that the parties are willing to discuss amongst themselves and come to compromises as to what the outcome might be. And I think it would be disastrous for Mr. Arafat and his organization as well.

That being said, to deny the President of the United States, either this President or whosoever the next President might be, the

ability to act in at least very limited circumstances in what are the unforeseeable security interests of the United States would be an extraordinary policy folly on the part of this committee.

Certainly, we all argue and work toward a stronger role for this committee and the Congress in the formation of our policy matters, but to deny the historic role of the President, and we have done this whether the President be a Democrat or Republican, whether the House was in one direction or another. It never mattered, but to say that the President should not have, and here it only applies to three sections of the bill, those sections not affecting policy, not affecting the intent, not affecting the very structure and fiber and reason for submitting the legislation, to deny that the President, in our national security interests, should have his hand tied would be a move that no thoughtful person on the committee should abide. I will yield to my friend, Mr. Berman.

Mr. BERMAN. I thank the gentleman for yielding, and I just want to make one point, a little bit sort of taking off on the comments of the gentlelady from California, Ms. Lee. This is not just about trying to punish the PLO or the Palestinian Authority for doing something which is a very breach of the commitments that were made at the time of the Oslo Agreements. It is an effort to deter this conduct. It is an effort to say there are consequences if you do this. This is not something that we will issue a few press releases about and then forget about and things will go on as normal. That is to say there are going to be costs, economic, political, diplomatic, to this decision, and it is only fair to tell you beforehand what some of those costs are.

Mr. Sherman, the gentleman from California, mentioned some other costs in the hands of the President, which I think also should be stated by the Executive Branch, but they are peculiarly within his domain.

So I think the combination of moving this bill before we leave here—we are only going to be here two or 3 weeks. We will not be in session at the next scheduled time when apparently the Palestinian National Council or whomever it is is going to consider this issue of the unilateral declaration of independence—before we leave, letting them know maximizes our ability to deter that outcome, and, therefore, that is why the timing of this—I am not saying it is today or tomorrow; what I am saying is before we leave here in early, mid-October is critical.

Chairman GILMAN. Thank you.

Mr. BEREUTER. Will the gentleman from New York yield?

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. I was just asking the gentleman to yield. I do not need much time.

Mr. ACKERMAN. I would be delighted to yield.

Mr. BEREUTER. I thank the gentleman for yielding. I think the gentleman from California just weakened his own case. This is not meant to be punitive, it is meant to be preventive, it is meant to be deterring. That is a better deterrent than if, in fact, there is a question about what the President will or will not waive. So I think the gentleman has weakened his own case—

Mr. ACKERMAN. Believe it or not, that is actually what I understood the gentleman from California to have said.

Mr. BERMAN. Just to clarify, there is no deterrent in a bill that gets mired down in the U.S. Senate and never gets to the President's desk. There is no deterrent in a bill which is vetoed by the President. A bill that takes significant action in many respects unwaivable, that becomes law, that has the Congress and the President speaking with one voice, that is how you maximize the deterrent.

I believe the Gejdenson amendment is an effort to try and achieve that balance to maximize the chances of getting that law and still have a punch, and that is why I cosponsored his amendment.

Chairman GILMAN. Mr. Bereuter? If there are no further questions, let me note that the principal purpose of the Gejdenson amendment is to provide a limited waiver authority to the President with respect to two of the five mandatory provisions in the bill.

I believe this is an important bill, and as the gentleman has indicated, it is a sound, preventative measure, and I am concerned that we do not want to weaken the measure in any manner.

I do want to note in particular that I agree with Mr. Rothman's concern about allowing the President to waive the prohibition on U.S. support for international lending to a unilaterally declared Palestinian state. The fact is that only sovereign states are eligible for international loans, so allowing such lending to go forward for a Palestinian entity would imply a de facto recognition of Palestine as a state.

For that reason, I do not believe that that prohibition should be available. Accordingly, I will oppose the Gejdenson amendment.

We will now move on the Gejdenson amendment. All in favor of the Gejdenson amendment, signify in the usual manner.

[A chorus of ayes.]

Chairman GILMAN. Opposed?

[A chorus of nos.]

Chairman GILMAN. The Gejdenson amendment is adopted.

Mr. LANTOS. I ask for a rollcall, Mr. Chairman.

Chairman GILMAN. A rollcall is requested. The clerk will call the roll.

Ms. BLOOMER. Mr. Gilman?

Chairman GILMAN. No.

Ms. BLOOMER. Mr. Gilman votes no. Mr. Goodling?

[No response.]

Ms. BLOOMER. Mr. Leach?

[No response.]

Ms. BLOOMER. Mr. Hyde?

[No response.]

Ms. BLOOMER. Mr. Bereuter?

Mr. BEREUTER. No.

Ms. BLOOMER. Mr. Bereuter votes no. Mr. Smith?

Mr. SMITH. No.

Ms. BLOOMER. Mr. Smith votes no. Mr. Burton?

[No response.]

Ms. BLOOMER. Mr. Gallegly?

[No response.]

Ms. BLOOMER. Ms. Ros-Lehtinen?

[No response.]
 Ms. BLOOMER. Mr. Ballenger?
 Mr. BALLENGER. No.
 Ms. BLOOMER. Mr. Ballenger votes no. Mr. Rohrabacher?
 Mr. ROHRABACHER. Yes.
 Ms. BLOOMER. Mr. Rohrabacher votes yes. Mr. Manzullo?
 [No response.]
 Ms. BLOOMER. Mr. Royce?
 [No response.]
 Ms. BLOOMER. Mr. King?
 [No response.]
 Ms. BLOOMER. Mr. Chabot?
 [No response.]
 Ms. BLOOMER. Mr. Sanford?
 [No response.]
 Ms. BLOOMER. Mr. Salmon?
 [No response.]
 Ms. BLOOMER. Mr. Houghton?
 [No response.]
 Ms. BLOOMER. Mr. Campbell?
 [No response.]
 Ms. BLOOMER. Mr. McHugh?
 [No response.]
 Ms. BLOOMER. Mr. Brady?
 [No response.]
 Ms. BLOOMER. Mr. Burr?
 [No response.]
 Ms. BLOOMER. Mr. Gillmor?
 [No response.]
 Ms. BLOOMER. Mr. Radanovich?
 [No response.]
 Ms. BLOOMER. Mr. Cooksey?
 [No response.]
 Ms. BLOOMER. Mr. Tancredo?
 Mr. TANCREDO. No.
 Ms. BLOOMER. Mr. Tancredo votes no. Mr. Gejdenson?
 Mr. GEJDENSON. Aye.
 Ms. BLOOMER. Mr. Gejdenson votes yes. Mr. Lantos?
 Mr. LANTOS. No.
 Ms. BLOOMER. Mr. Lantos votes no. Mr. Berman?
 Mr. BERMAN. Aye.
 Ms. BLOOMER. Mr. Berman votes yes. Mr. Ackerman?
 Mr. ACKERMAN. Yes.
 Ms. BLOOMER. Mr. Ackerman votes yes. Mr. Faleomavaega?
 [No response.]
 Ms. BLOOMER. Mr. Payne?
 Mr. PAYNE. Yes.
 Ms. BLOOMER. Mr. Payne votes yes. Mr. Menendez?
 Mr. MENENDEZ. No.
 Ms. BLOOMER. Mr. Menendez votes no. Mr. Brown?
 Mr. BROWN. Yes.
 Ms. BLOOMER. Mr. Brown votes yes. Ms. McKinney?
 [No response.]
 Ms. BLOOMER. Mr. Hastings?

Mr. HASTINGS. Yes.
Ms. BLOOMER. Mr. Hastings votes yes. Ms. Danner?
[No response.]
Ms. BLOOMER. Mr. Hilliard?
[No response.]
Ms. BLOOMER. Mr. Sherman?
Mr. SHERMAN. Yes.
Ms. BLOOMER. Mr. Sherman votes yes. Mr. Wexler?
Mr. WEXLER. Yes.
Ms. BLOOMER. Mr. Wexler votes yes. Mr. Rothman?
Mr. ROTHMAN. No.
Ms. BLOOMER. Mr. Rothman votes no. Mr. Davis?
Mr. DAVIS. Yes.
Ms. BLOOMER. Mr. Davis votes yes. Mr. Pomeroy?
Mr. POMEROY. Yes.
Ms. BLOOMER. Mr. Pomeroy votes yes. Mr. Delahunt?
[No response.]
Ms. BLOOMER. Mr. Meeks?
Mr. MEEKS. Yes.
Ms. BLOOMER. Mr. Meeks votes yes. Ms. Lee?
Ms. LEE. Yes.
Ms. BLOOMER. Ms. Lee votes yes. Mr. Crowley?
Mr. CROWLEY. Yes.
Ms. BLOOMER. Mr. Crowley votes yes. Mr. Hoeffel?
[No response.]
Chairman GILMAN. The clerk will call the absentees.
Ms. BLOOMER. Mr. Goodling?
[No response.]
Ms. BLOOMER. Mr. Leach?
[No response.]
Ms. BLOOMER. Mr. Hyde?
[No response.]
Ms. BLOOMER. Mr. Burton?
[No response.]
Ms. BLOOMER. Mr. Gallegly?
[No response.]
Ms. BLOOMER. Ms. Ros-Lehtinen?
[No response.]
Ms. BLOOMER. Mr. Manzullo?
[No response.]
Ms. BLOOMER. Mr. Royce?
[No response.]
Ms. BLOOMER. Mr. King?
[No response.]
Ms. BLOOMER. Mr. Chabot?
[No response.]
Ms. BLOOMER. Mr. Sanford?
[No response.]
Ms. BLOOMER. Mr. Salmon?
[No response.]
Ms. BLOOMER. Mr. Houghton?
[No response.]
Ms. BLOOMER. Mr. Campbell?
[No response.]

Ms. BLOOMER. Mr. McHugh?

[No response.]

Ms. BLOOMER. Mr. Brady?

[No response.]

Ms. BLOOMER. Mr. Burr?

[No response.]

Ms. BLOOMER. Mr. Gillmor?

[No response.]

Ms. BLOOMER. Mr. Radanovich?

[No response.]

Ms. BLOOMER. Mr. Cooksey?

[No response.]

Ms. BLOOMER. Mr. Faleomavaega?

[No response.]

Ms. BLOOMER. Ms. McKinney?

[No response.]

Ms. BLOOMER. Ms. Danner?

[No response.]

Ms. BLOOMER. Mr. Hilliard?

[No response.]

Ms. BLOOMER. Mr. Delahunt?

[No response.]

Ms. BLOOMER. Mr. Hoeffel?

[No response.]

Chairman GILMAN. Are there any further members who have not indicated their vote? If not, the clerk will report the tally.

Ms. BLOOMER. On this vote there were 14 ayes and eight nos.

Chairman GILMAN. The amendment is agreed to. The gentleman from Nebraska. Are there any other amendments? If not, the gentleman from Nebraska, Mr. Bereuter, is recognized to offer a motion.

Mr. BEREUTER. I move that the Chairman be requested to seek consideration of the pending bill as amended on the suspension calendar.

Chairman GILMAN. The question is on the motion of the gentleman from Nebraska. As many who are in favor, signify in the usual manner.

[A chorus of ayes.]

Chairman GILMAN. Opposed?

[A chorus of nos.]

Chairman GILMAN. The ayes have it. The motion is agreed to. Without objection, the chairman is authorized to make motions under Rule 22, with reference to a conference on the bill or a counterpart bill passed by the Senate. Further proceedings on the measure are postponed. The committee stands adjourned. Thank you for participating.

[Whereupon, at 1 p.m., the committee meeting was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

Because I and many of my colleagues remain very concerned about the possibility that Yasser Arafat and the PLO will declare a Palestinian state unilaterally, the Committee is today marking up legislation today that would underscore the need for a negotiated settlement between Israel and the Palestinians.

The "Peace Through Negotiations Act of 2000", which I introduced on behalf of myself, Mr. Gejdenson, ADD IN OTHER ORIGINAL COSPONSORS, recognizes that resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process. That threat continues unabated.

Our measure would establish that it is the policy of the United States to oppose the unilateral declaration of a Palestinian state, and that diplomatic recognition should be withheld if one is unilaterally declared. The bill would also prohibit all US assistance to the Palestinians except for humanitarian aid, and would downgrade the PLO office in Washington, D.C.

Additionally, the measure would encourage other countries and international organizations to join the United States in withholding diplomatic recognition, and would authorize the President of the United States to withhold payment of US contributions to international organizations that recognize a unilaterally declared Palestinian state.

Over eighteen months ago, Congress spoke with one voice about the prospects of a unilateral declaration of statehood by the Palestinians. Non-binding legislation adopted by both houses stated that "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition."

The Peace Through Negotiations Act is a measured, but legislatively binding response to that possibility. I urge our colleagues' strong support for this bill, which we expect to take up on the suspension calendar later today.

106TH CONGRESS
2D SESSION

H. R. 5272

IN THE HOUSE OF REPRESENTATIVES

Mr. GILMAN introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide for a United States response in the event of
a unilateral declaration of a Palestinian state.

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 "Peace Through Nego-
5 tiations Act of 2000".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Resolving the political status of the territory
2 controlled by the Palestinian Authority is one of the
3 central issues of the Arab-Israeli conflict.

4 (2) The Palestinian threat to declare an inde-
5 pendent state unilaterally constitutes a fundamental
6 violation of the underlying principles of the Oslo Ac-
7 cords and the Middle East peace process.

8 (3) On March 11, 1999, the Senate overwhelm-
9 ingly adopted Senate Concurrent Resolution 5, and
10 on March 16, 1999, the House of Representatives
11 adopted House Concurrent Resolution 24, both of
12 which resolved that: "any attempt to establish Pales-
13 tinian statehood outside the negotiating process will
14 invoke the strongest congressional opposition."

15 (4) On July 25, 2000, Palestinian Chairman
16 Arafat and Israeli Prime Minister Barak issued a
17 joint statement agreeing that the "two sides under-
18 stand the importance of avoiding unilateral actions
19 that prejudice the outcome of negotiations and that
20 their differences will be resolved in good-faith nego-
21 tiations".

22 **SEC. 3. POLICY OF THE UNITED STATES.**

23 It shall be the policy of the United States to oppose
24 the unilateral declaration of a Palestinian state, to with-
25 hold diplomatic recognition of any Palestinian state that

1 is unilaterally declared, and to encourage other countries
2 and international organizations to withhold diplomatic rec-
3 ognition of any Palestinian state that is unilaterally de-
4 clared.

5 **SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN**
6 **STATE IS UNILATERALLY DECLARED.**

7 (a) MEASURES.—Notwithstanding any other provi-
8 sion of law, beginning on the date that a Palestinian state
9 is unilaterally declared and ending on the date such unilat-
10 eral declaration is rescinded or on the date of a signed
11 negotiated agreement between Israel and the Palestinian
12 Authority under the terms of which the establishment of
13 a Palestinian state is mutually agreed upon, the following
14 measures shall be applied:

15 (1) DOWNGRADE IN STATUS OF PALESTINIAN
16 OFFICE IN THE UNITED STATES.—

17 (A) Section 1003 of the Foreign Relations
18 Authorization Act, Fiscal Years 1988 and 1989
19 (Public Law 100-204) as enacted on December
20 22, 1987, shall have the full force and effect of
21 law, and shall apply notwithstanding any waiver
22 or suspension of such section that was author-
23 ized or exercised subsequent to December 22,
24 1987.

1 (B) For purposes of such section, the term
2 “Palestine Liberation Organization or any of its
3 constituent groups, any successor to any of
4 those, or any agents thereof” shall include the
5 Palestinian Authority and the government of
6 any unilaterally declared Palestinian state.

7 (C) Nothing in this paragraph shall be
8 construed to preclude—

9 (i) the establishment or maintenance
10 of a Palestinian information office in the
11 United States, operating under the same
12 terms and conditions as the Palestinian in-
13 formation office that existed prior to the
14 Oslo Accords; or

15 (ii) diplomatic contacts between Pales-
16 tinian officials and United States counter-
17 parts.

18 (2) PROHIBITION ON UNITED STATES ASSIST-
19 ANCE TO A UNILATERALLY DECLARED PALESTINIAN
20 STATE.—United States assistance may not be pro-
21 vided, directly or indirectly, to the government of a
22 unilaterally declared Palestinian state, the Pales-
23 tinian Authority, or to any successor or related enti-
24 ty.

1 (3) PROHIBITION ON UNITED STATES ASSIST-
2 ANCE TO THE WEST BANK AND GAZA.—United
3 States assistance (except humanitarian assistance)
4 may not be provided to programs or projects in the
5 West Bank or Gaza.

6 (4) AUTHORITY TO WITHHOLD PAYMENT OF
7 UNITED STATES CONTRIBUTIONS TO INTER-
8 NATIONAL ORGANIZATIONS THAT RECOGNIZE A UNI-
9 LATERALLY DECLARED PALESTINIAN STATE.—The
10 President is authorized to—

11 (A) withhold up to 10 percent of the
12 United States assessed contribution to any
13 international organization that recognizes a uni-
14 laterally declared Palestinian state; and

15 (B) reduce the United States voluntary
16 contribution to any international organization
17 that recognizes a unilaterally declared Pales-
18 tinian state up to 10 percent below the level of
19 the United States voluntary contribution to
20 such organization in the fiscal year prior to the
21 fiscal year in which such organization recog-
22 nized a unilaterally declared Palestinian state.

23 (5) OPPOSITION TO LENDING BY INTER-
24 NATIONAL FINANCIAL INSTITUTIONS.—The Sec-
25 retary of the Treasury shall instruct the United

1 States Executive Director at each international fi-
2 nancial institution (as defined in section 1701(e)(2)
3 of the International Financial Institutions Act) to
4 use the voice, vote, and influence of the United
5 States to oppose—

6 (A) membership for a unilaterally declared
7 Palestinian state in such institution, or other
8 recognition of a unilaterally declared Pales-
9 tinian state by such institution; and

10 (B) the extension by such institution to a
11 unilaterally declared Palestinian state of any
12 loan or other financial or technical assistance.

13 (6) LIMITATION ON USE OF FUNDS TO EXTEND
14 UNITED STATES RECOGNITION.—No funds available
15 under any provision of law may be used to extend
16 United States recognition to a unilaterally declared
17 Palestinian state, including, but not limited to,
18 funds for the payment of the salary of any ambas-
19 sador, consul, or other diplomatic personnel to such
20 a unilaterally declared state, or for the cost of estab-
21 lishing, operating, or maintaining an embassy, con-
22 sulate, or other diplomatic facility in such a unilater-
23 ally declared state.

1 (b) DEFINITION.—For purposes of paragraphs (2)
2 and (3) of subsection (a), the term “United States
3 assistance”—

4 (1) means—

5 (A) assistance under the Foreign Assist-
6 ance Act of 1961 (22 U.S.C. 2151 et seq.),
7 except—

8 (i) assistance under chapter 8 of part
9 I of such Act (relating to international
10 narcotics control assistance);

11 (ii) assistance under chapter 9 of part
12 I of such Act (relating to international dis-
13 aster assistance); and

14 (iii) assistance under chapter 6 of
15 part II of such Act (relating to assistance
16 for peacekeeping operations);

17 (B) assistance under the Arms Export
18 Control Act (22 U.S.C. 2751 et seq.), including
19 the license or approval for export of defense ar-
20 ticles and defense services under section 38 of
21 that Act; and

22 (C) assistance under the Export-Import
23 Bank Act of 1945; and

24 (2) does not include counter-terrorism assist-
25 ance.

AMENDMENT TO H.R. 5272
OFFERED BY MR. GEJDENSON (FOR HIMSELF, MR.
BERMAN, AND MR. ACKERMAN)

Page 3, strike line 7 and all that follows through line 14 and insert the following:

1 (a) MEASURES.—Notwithstanding any other provi-
 2 sion of law, beginning on the date that a Palestinian state
 3 is unilaterally declared and ending on the date such unilat-
 4 eral declaration is rescinded or on the date the President
 5 notifies the Committee on International Relations of the
 6 House of Representatives and the Committee on Foreign
 7 Relations of the Senate that an agreement between Israel
 8 and the Palestinian Authority regarding the establishment
 9 of a Palestinian state has been concluded, the following
 10 measures shall be applied:

Page 4, beginning on line 20, strike “provided, di-
 rectly or indirectly,” and insert “provided”.

Page 6, after line 23, insert the following:

11 (b) SUSPENSION OF MEASURES.—
 12 (1) IN GENERAL.—The President may suspend
 13 the application of any of paragraphs (3) through (5)
 14 of subsection (a) for a period of not more than one
 15 year if, with respect to the suspension of the applica-

1 tion of each such paragraph, the President deter-
2 mines and certifies to the Committee on Inter-
3 national Relations of the House of Representatives
4 and the Committee on Foreign Relations of the Sen-
5 ate that such suspension is in the national security
6 interest of the United States. Such certification shall
7 be accompanied by a justification for the basis of the
8 determination.

9 (2) RENEWAL.—The President may renew the
10 suspension of the application of any of paragraphs
11 (3) through (5) of subsection (a) for a successive pe-
12 riod or periods of not more than one year if, before
13 each such period, the President makes a determina-
14 tion and transmits a certification in accordance with
15 paragraph (1).

16 (3) ADDITIONAL REQUIREMENT.—A suspension
17 of the application of any of paragraphs (3) through
18 (5) of subsection (a) under paragraph (1) or para-
19 graph (2) shall cease to be effective after one year
20 or at such earlier date as the President may specify.

Page 7, line 1, strike “(b)” and insert “(c)”.