

Calendar No. 152

118TH CONGRESS
1ST SESSION

S. 2006

To foster Tunisia’s democratic institutions, to limit funds until Tunisia restores checks and balances, and to authorize the creation of a fund to support democratic reforms.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2023

Mr. RISCH (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JULY 25, 2023

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To foster Tunisia’s democratic institutions, to limit funds until Tunisia restores checks and balances, and to authorize the creation of a fund to support democratic reforms.

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 “Safeguarding Tunisian
5 Democracy Act of 2023”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) In 2010 and 2011, waves of anti-govern-
4 ment protests and violence reshaped governments
5 across the Middle East and North Africa.

6 (2) While other countries in the Middle East
7 and North Africa experienced violent crackdown,
8 rapid changes in government, or descent into civil
9 war, Tunisia's "Jasmine Revolution" saw the ouster
10 of autocratic President Zine El Abidine Ben Ali and
11 the emergence of a nascent, growing democracy.

12 (3) On October 14, 2019, Tunisians overwhelm-
13 ingly elected Kais Saied, a constitutional law pro-
14 fessor, as President based on his pledges to combat
15 corruption and improve Tunisia's economic outlook.

16 (4) On July 25, 2021, President Saied unilater-
17 ally suspended parliament and dismissed the Prime
18 Minister, citing exceptional circumstances and Arti-
19 cle 80 of the 2014 constitution.

20 (5) On September 22, 2021, President Saied
21 issued Presidential Decree 117, consolidating full ex-
22 ecutive and legislative powers within the presidency
23 and authorizing further decrees regulating the judi-
24 ciary, media, political parties, electoral law, freedoms
25 and human rights.

1 (6) On February 6, 2022, President Saied dis-
2 solved the Supreme Judicial Council, eliminating an
3 independent judiciary.

4 (7) On March 30, 2022, President Saied offi-
5 cially dissolved parliament, further consolidating
6 power and eliminating checks and balances on the
7 presidency.

8 (8) On June 30, 2022, President Saied unilat-
9 erally introduced a new draft constitution, subject to
10 a referendum, consolidating broad powers under ex-
11 ecutive rule.

12 (9) On July 25, 2022, Saied claimed victory in
13 a constitutional referendum widely criticized for its
14 lack of credibility and participation.

15 (10) On September 13, 2022, President Saied
16 announced Presidential Decree 2022-54 on
17 Cybercrime, imposing prison terms for “false infor-
18 mation or rumors” online and crippling free speech.

19 (11) On September 15, 2022, President Saied
20 announced Presidential Decree 2022-55 which
21 weakened the role of political parties and imposed
22 burdensome requirements to run for parliament.

23 (12) On October 15, 2022, the International
24 Monetary Fund reached a staff-level agreement to
25 support Tunisia’s economic policies with a 48-month

1 arrangement under the Extended Fund Facility of
2 \$1,900,000,000 and the potential for more from
3 international donors.

4 (13) On December 17, 2022, only 11 percent of
5 Tunisians participated in parliamentary elections,
6 reflecting dissatisfaction with the referendum, bar-
7 riers to political parties, and low public trust for
8 democratic institutions in Tunisia.

9 (14) On January 20, 2023, 4 political oppo-
10 nents of President Saied were sentenced through
11 military courts for “insulting a public official” and
12 disturbing public order.

13 (15) On January 29, 2023, only 11 percent of
14 Tunisians participated in parliamentary run-off elec-
15 tions, reaffirming low public trust for democratic in-
16 stitutions in Tunisia.

17 (16) On February 1, 2023, President Saied ex-
18 tended the state of emergency until the end of 2023.

19 (17) On February 10, 2023, President Saied
20 announced strengthened diplomatic ties with the
21 Government of Syria, a United States-designated
22 State Sponsor of Terrorism.

23 (18) On February 11, 2023, and in the fol-
24 lowing weeks, President Saied launched a political
25 crackdown by arresting political activists, journal-

1 ists, and business leaders for allegedly plotting
2 against the state, including by opening a criminal in-
3 vestigation against a former Nidaa Tounes parlia-
4 mentarian.

5 (19) On February 21, 2023, President Saied
6 justified widespread arrests and harassment of Afri-
7 can migrants and Black Tunisians by accusing
8 “hordes of irregular migrants” of criminality and vi-
9 olence, claiming a “criminal enterprise hatched at
10 the beginning of this century to change the demo-
11 graphic composition of Tunisia” threatened national
12 security.

13 (20) On February 22, 2023, Tunisian authori-
14 ties arrested Republican Party leader Issam Chebbi
15 and National Salvation Front member Chaima Issa.

16 (21) On February 24, 2023, Tunisian authori-
17 ties arrested National Salvation Front member
18 Jawher Ben Mbarek.

19 (22) On April 17, 2023, President Kais Saied
20 vowed “relentless war” against opposition figures,
21 jailed Ennahdha party leader Rached Ghannouchi,
22 detained president of the National Salvation Front
23 coalition Nejib Chebbi, and shuttered Ennahdha of-
24 fices and those of an ideologically broad opposition
25 coalition.

1 (23) As of April 20, 2023, an International
2 Monetary Fund loan for Tunisia remains stalled as
3 President Saied’s characterized necessary reforms as
4 “foreign diktats” and decried proposed cuts in sub-
5 sidies as socially destabilizing.

6 **SEC. 3. STATEMENT OF POLICY.**

7 It shall be the policy of the United States—

8 (1) to forge a strong and lasting partnership
9 with the Government of Tunisia to support shared
10 national security interests to include countering the
11 enduring threat of transnational terrorism and pro-
12 moting regional stability;

13 (2) to develop and implement a security strat-
14 egy that builds partner capacity to address shared
15 threats and cements the role of the United States as
16 the partner of choice;

17 (3) to encourage standards and training for the
18 Tunisian Armed Forces that enshrines military pro-
19 fessionalism and respect for civil-military relations;

20 (4) to support the Tunisian people’s aspirations
21 for a democratic future and support democratic
22 principles in Tunisia; to include a robust civil soci-
23 ety, respect for freedoms of expression and associa-
24 tion, press freedom, separation of powers, and the
25 rule of law;

1 (5) to support the Tunisian people’s livelihoods
2 and aspirations for economic dignity;

3 (6) to work in tandem with our G7 and other
4 partners to promote Tunisia’s return to democratic
5 principles in a manner that halts democratic back-
6 sliding; stabilizes the economic crisis; spurs economic
7 development; and mitigates destabilizing migration
8 flows; and

9 (7) to readjust bilateral United States foreign
10 assistance; including security assistance; based on
11 the progress of the Government of Tunisia toward
12 meeting the democratic aspirations and economic
13 needs of the Tunisian people.

14 **SEC. 4. LIMITATION ON FUNDS; CREATION OF TUNISIA DE-**
15 **MOCRACY SUPPORT FUND; REPORT.**

16 (a) IN GENERAL.—Effective upon the date of the en-
17 actment of this Act, the Secretary of State, in conjunction
18 with the Administrator of the United States Agency for
19 International Development—

20 (1) shall limit funding to Tunisia, as provided
21 for in subsection (b); and

22 (2) is authorized to establish a “Tunisia De-
23 mocracy Support Fund”, as provided for in sub-
24 section (c); to encourage reforms that restore Tuni-
25 sian democracy and rule of law.

1 (b) ~~LIMITATION ON FUNDS.~~—Of the funds author-
 2 ized to be appropriated or otherwise made available in fis-
 3 cal years 2024 and 2025 to carry out chapters 1 and 8
 4 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.
 5 2151 et seq.); chapters 1 through 6, 8, and 9 of part II
 6 of such Act (22 U.S.C. 2301 et seq.); and section 23 of
 7 the Arms Export Control Act (22 U.S.C. 2763) for the
 8 Government of Tunisia, an aggregate amount of 25 per-
 9 cent for each such fiscal year shall be withheld from obli-
 10 gation, with the exception of funding for Tunisian civil so-
 11 ciety, until the Secretary of State determines and certifies
 12 to the appropriate congressional committees that the state
 13 of emergency declared on July 25, 2021, has been termi-
 14 nated.

15 (c) ~~TUNISIA DEMOCRACY SUPPORT FUND AUTHOR-~~
 16 ~~IZED.~~—

17 (1) ~~IN GENERAL.~~—There is authorized to be
 18 appropriated to the Secretary of State \$100,000,000
 19 for each of the fiscal years 2024 and 2025, which
 20 shall be used to establish the “Tunisia Democracy
 21 Support Fund” for the purpose of encouraging re-
 22 forms that restore Tunisia’s democratic institutions
 23 and rule of law.

24 (2) ~~LIMITATION.~~—Funds authorized to be ap-
 25 propriated pursuant to paragraph (1) shall not be

1 available for obligation until the Secretary of State
2 certifies in writing to the appropriate congressional
3 committees that the Government of Tunisia has
4 demonstrated measurable progress towards the
5 democratic benchmarks outlined in subsection (d).

6 (d) DEMOCRATIC BENCHMARKS.—Pursuant to sub-
7 section (c)(2), the democratic benchmarks to be addressed
8 in the Secretary of State’s certification are whether the
9 Government of Tunisia—

10 (1) appropriately empowers Parliament to serve
11 the Tunisian people and serve as an independent, co-
12 equal branch of government essential to a healthy
13 democracy;

14 (2) restores judicial independence and estab-
15 lishes the Constitutional Court in a manner that fos-
16 ters an independent judiciary and serves as a check
17 on the presidency;

18 (3) is taking credible steps to respect freedoms
19 of expression, association, and the press;

20 (4) creates an enabling operating environment
21 in which Tunisian civil society organizations can op-
22 erate without undue interference, including permit-
23 ting international funding;

24 (5) ceases use of military courts to try civilians;
25 and

1 (6) ceases efforts to intimidate Tunisian inde-
2 pendent media through arbitrary arrests and crimi-
3 nal prosecutions of journalists on illegitimate
4 charges.

5 (e) INITIAL REPORT, ANNUAL REPORT AND BRIEF-
6 ING.—

7 (1) INITIAL REPORT.—Not later than 120 days
8 after the date of the enactment of this Act and an-
9 nually thereafter through 2028, the Secretary of
10 State shall provide a report and accompanying brief-
11 ing on the state of Tunisia’s democracy and associ-
12 ated progress on the democratic benchmarks out-
13 lined in subsection (d) to the appropriate congress-
14 sional committees.

15 (2) FORM OF REPORT.—The report required by
16 paragraph (1) shall be submitted in unclassified
17 form, but may include a classified annex.

18 (f) WAIVER.—The Secretary of State may waive the
19 limitation on funding under subsection (b) if the Sec-
20 retary, not later than 15 days before the waiver is to take
21 effect, certifies to the appropriate congressional commit-
22 tees that such waiver is in the national interest of the
23 United States. The Secretary shall submit with the certifi-
24 cation a detailed justification explaining the reasons for
25 the waiver.

1 ~~(g) DEFINED TERM.—~~In this section, the term “ap-
 2 appropriate congressional committees” means—

3 ~~(1) the Committee on Foreign Relations of the~~
 4 ~~Senate;~~

5 ~~(2) the Committee on Appropriations of the~~
 6 ~~Senate;~~

7 ~~(3) the Committee on Foreign Affairs of the~~
 8 ~~House of Representatives; and~~

9 ~~(4) the Committee on Appropriations of the~~
 10 ~~House of Representatives.~~

11 **SEC. 5. TERMINATION.**

12 This Act shall terminate on the date that is 5 years
 13 after the date of the enactment of this Act.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Safeguarding Tunisian*
 16 *Democracy Act of 2023”.*

17 **SEC. 2. FINDINGS.**

18 *Congress makes the following findings:*

19 *(1) In 2010 and 2011, waves of anti-government*
 20 *protests and violence reshaped governments across the*
 21 *Middle East and North Africa.*

22 *(2) While other countries in the Middle East and*
 23 *North Africa experienced violent crackdown, rapid*
 24 *changes in government, or descent into civil war,*
 25 *Tunisia’s “Jasmine Revolution” saw the ouster of*

1 *autocratic President Zine El Abidine Ben Ali and the*
2 *emergence of a nascent, growing democracy.*

3 (3) *On October 14, 2019, Tunisians overwhelm-*
4 *ingly elected Kais Saied, a constitutional law pro-*
5 *fessor, as President based on his pledges to combat*
6 *corruption and improve Tunisia's economic outlook.*

7 (4) *On July 25, 2021, President Saied unilater-*
8 *ally suspended parliament and dismissed the Prime*
9 *Minister, citing exceptional circumstances and Article*
10 *80 of the 2014 constitution.*

11 (5) *On September 22, 2021, President Saied*
12 *issued Presidential Decree 117, consolidating full ex-*
13 *ecutive and legislative powers within the presidency*
14 *and authorizing further decrees regulating the judici-*
15 *ary, media, political parties, electoral law, freedoms*
16 *and human rights.*

17 (6) *On February 6, 2022, President Saied dis-*
18 *solved the Supreme Judicial Council, eliminating an*
19 *independent judiciary.*

20 (7) *On March 30, 2022, President Saied offi-*
21 *cially dissolved parliament, further consolidating*
22 *power and eliminating checks and balances on the*
23 *presidency.*

24 (8) *On June 30, 2022, President Saied unilater-*
25 *ally introduced a new draft constitution, subject to a*

1 *referendum, consolidating broad powers under execu-*
2 *tive rule.*

3 (9) *On July 25, 2022, Saied claimed victory in*
4 *a constitutional referendum widely criticized for its*
5 *lack of credibility and participation.*

6 (10) *On September 13, 2022, President Saied*
7 *announced Presidential Decree 2022-54 on*
8 *Cybercrime, imposing prison terms for “false infor-*
9 *mation or rumors” online and crippling free speech.*

10 (11) *On September 15, 2022, President Saied*
11 *announced Presidential Decree 2022-55 which weak-*
12 *ened the role of political parties and imposed burden-*
13 *some requirements to run for parliament.*

14 (12) *On October 15, 2022, the International*
15 *Monetary Fund reached a staff-level agreement to*
16 *support Tunisia’s economic policies with a 48-month*
17 *arrangement under the Extended Fund Facility of*
18 *\$1,900,000,000 and the potential for more from inter-*
19 *national donors.*

20 (13) *On December 17, 2022, only 11 percent of*
21 *Tunisians participated in parliamentary elections,*
22 *reflecting dissatisfaction with the referendum, barriers*
23 *to political parties, and low public trust for demo-*
24 *cratic institutions in Tunisia.*

1 (14) *On January 20, 2023, four political oppo-*
2 *nents of President Saied were sentenced through mili-*
3 *tary courts for “insulting a public official” and dis-*
4 *turbing public order.*

5 (15) *On January 29, 2023, only 11 percent of*
6 *Tunisians participated in parliamentary run-off elec-*
7 *tions, reaffirming low public trust for democratic in-*
8 *stitutions in Tunisia.*

9 (16) *On February 1, 2023, President Saied ex-*
10 *tended the state of emergency until the end of 2023.*

11 (17) *On February 10, 2023, President Saied an-*
12 *nounced strengthened diplomatic ties with the Gov-*
13 *ernment of Syria, a United States-designated State*
14 *Sponsor of Terrorism.*

15 (18) *On February 11, 2023, and in the following*
16 *weeks, President Saied launched a political crack-*
17 *down by arresting political activists, journalists, and*
18 *business leaders for allegedly plotting against the*
19 *state, including by opening a criminal investigation*
20 *against a former Nidaa Tounes parliamentarian.*

21 (19) *On February 21, 2023, President Saied jus-*
22 *tified widespread arrests and harassment of African*
23 *migrants and Black Tunisians by accusing “hordes of*
24 *irregular migrants” of criminality and violence,*
25 *claiming a “criminal enterprise hatched at the begin-*

1 *ning of this century to change the demographic com-*
2 *position of Tunisia” threatened national security.*

3 *(20) On February 22, 2023, Tunisian authorities*
4 *arrested Republican Party leader Issam Chebbi and*
5 *National Salvation Front member Chaima Issa.*

6 *(21) On February 24, 2023, Tunisian authorities*
7 *arrested National Salvation Front member Jawher*
8 *Ben Mbarek.*

9 *(22) On April 17, 2023, President Kais Saied*
10 *vowed “relentless war” against opposition figures,*
11 *such as jailed Ennahdha party leader Rached*
12 *Ghannouchi, and shuttered Ennahdha offices and the*
13 *offices of an ideologically broad opposition coalition.*

14 *(23) As of April 20, 2023, an International Mon-*
15 *etary Fund loan for Tunisia remains stalled as Presi-*
16 *dent Saied’s characterized necessary reforms as “for-*
17 *foreign diktats” and decried proposed cuts in subsidies*
18 *as socially destabilizing.*

19 **SEC. 3. STATEMENT OF POLICY.**

20 *It shall be the policy of the United States—*

21 *(1) to forge a strong and lasting partnership*
22 *with the Government of Tunisia to support shared*
23 *national security interests to include countering the*
24 *enduring threat of transnational terrorism and pro-*
25 *moting regional stability;*

1 (2) to develop and implement a security strategy
2 that builds partner capacity to address shared threats
3 and cements the role of the United States as the part-
4 ner of choice;

5 (3) to encourage standards and training for the
6 Tunisian Armed Forces that enshrines military pro-
7 fessionalism and respect for civil-military relations;

8 (4) to support the Tunisian people's aspirations
9 for a democratic future and support democratic prin-
10 ciples in Tunisia, to include a robust civil society, re-
11 spect for freedoms of expression and association, press
12 freedom, separation of powers, and the rule of law;

13 (5) to support the Tunisian people's livelihoods
14 and aspirations for economic dignity;

15 (6) to work in tandem with our G7 and other
16 partners to promote Tunisia's return to democratic
17 principles in a manner that halts democratic back-
18 sliding, stabilizes the economic crisis, spurs economic
19 development, and mitigates destabilizing migration
20 flows; and

21 (7) to readjust bilateral United States foreign as-
22 sistance, including security assistance, based on the
23 progress of the Government of Tunisia toward meet-
24 ing the democratic aspirations and economic needs of
25 the Tunisian people.

1 **SEC. 4. LIMITATION ON FUNDS; CREATION OF TUNISIA DE-**
2 **MOCRACY SUPPORT FUND; REPORT.**

3 (a) *IN GENERAL.*—Effective upon the date of the enact-
4 ment of this Act, the Secretary of State , in conjunction
5 with the Administrator of the United States Agency for
6 International Development—

7 (1) shall limit funding to Tunisia, as provided
8 for in subsection (b); and

9 (2) is authorized to establish a “Tunisia Democ-
10 racy Support Fund”, as provided for in subsection
11 (c), to encourage reforms that restore Tunisian democ-
12 racy and rule of law.

13 (b) *LIMITATION ON FUNDS.*—Of the amounts author-
14 ized to be appropriated or otherwise made available in fis-
15 cal years 2024 and 2025 to carry out chapters 1 and 8
16 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.
17 2151 et seq.), chapters 1 through 6, 8, and 9 of part II
18 of such Act (22 U.S.C. 2301 et seq.), and section 23 of the
19 Arms Export Control Act (22 U.S.C. 2763) for the Govern-
20 ment of Tunisia, 25 percent the amount made available
21 under each such authority for each such fiscal year shall
22 be withheld from obligation, with the exception of funding
23 for Tunisian civil society, until the Secretary of State deter-
24 mines and certifies to the appropriate congressional com-
25 mittees that the Government of Tunisia—

1 (1) *has ceased its use of military courts to try*
2 *civilians;*

3 (2) *is making clear and consistent progress in*
4 *releasing political prisoners; and*

5 (3) *has terminated all states of emergency.*

6 (c) *TUNISIA DEMOCRACY SUPPORT FUND AUTHOR-*
7 *IZED.—*

8 (1) *IN GENERAL.—There is authorized to be ap-*
9 *propriated to the Secretary of State \$100,000,000 for*
10 *each of the fiscal years 2024 and 2025, which shall*
11 *be used to establish the “Tunisia Democracy Support*
12 *Fund” for the purpose of encouraging reforms that—*

13 (A) *restore Tunisia’s democratic institu-*
14 *tions;*

15 (B) *restore the rule of law; and*

16 (C) *stabilize the Tunisian economy.*

17 (2) *LIMITATION.—Funds authorized to be appro-*
18 *priated pursuant to paragraph (1) shall not be avail-*
19 *able for obligation until the Secretary of State cer-*
20 *tifies in writing to the appropriate congressional*
21 *committees that the Government of Tunisia has dem-*
22 *onstrated measurable progress towards the democratic*
23 *benchmarks outlined in subsection (d).*

24 (d) *DEMOCRATIC BENCHMARKS.—Pursuant to sub-*
25 *section (c)(2), the democratic benchmarks to be addressed*

1 *in the Secretary of State's certification are whether the Gov-*
2 *ernment of Tunisia—*

3 *(1) appropriately empowers Parliament to serve*
4 *the Tunisian people and serve as an independent, co-*
5 *equal branch of government essential to a healthy de-*
6 *mocracy;*

7 *(2) restores judicial independence and establishes*
8 *the Constitutional Court in a manner that fosters an*
9 *independent judiciary and serves as a check on the*
10 *presidency;*

11 *(3) is taking credible steps to respect freedoms of*
12 *expression, association, and the press;*

13 *(4) creates an enabling operating environment in*
14 *which Tunisian civil society organizations can oper-*
15 *ate without undue interference, including permitting*
16 *international funding; and*

17 *(5) ceases efforts to intimidate Tunisian inde-*
18 *pendent media through arbitrary arrests and crimi-*
19 *nal prosecutions of journalists on illegitimate charges.*

20 *(e) INITIAL REPORT, ANNUAL REPORT AND BRIEF-*
21 *ING.—*

22 *(1) INITIAL REPORT.—Not later than 120 days*
23 *after the date of the enactment of this Act and annu-*
24 *ally thereafter through 2028, the Secretary of State*
25 *shall provide a report and accompanying briefing to*

1 *the appropriate congressional committees that de-*
2 *scribes—*

3 *(A) the state of Tunisia’s democracy and*
4 *associated progress on the democratic bench-*
5 *marks outlined in subsection (d); and*

6 *(B) how United States foreign assistance is*
7 *funding programs to support progress towards*
8 *achieving such benchmarks.*

9 *(2) FORM OF REPORT.—The report required by*
10 *paragraph (1) shall be submitted in unclassified form,*
11 *but may include a classified annex.*

12 *(f) WAIVER.—The Secretary of State may waive the*
13 *limitation on funding under subsection (b) if the Secretary,*
14 *not later than 15 days before the waiver is to take effect,*
15 *certifies to the appropriate congressional committees that*
16 *such waiver is in the national interest of the United States.*
17 *The Secretary shall submit with the certification a detailed*
18 *justification explaining the reasons for the waiver.*

19 *(g) DEFINED TERM.—In this section, the term “appro-*
20 *priate congressional committees” means—*

21 *(1) the Committee on Foreign Relations of the*
22 *Senate;*

23 *(2) the Committee on Appropriations of the Sen-*
24 *ate;*

1 (3) *the Committee on Foreign Affairs of the*
2 *House of Representatives; and*

3 (4) *the Committee on Appropriations of the*
4 *House of Representatives.*

5 **SEC. 5. SUNSET.**

6 *This Act shall terminate on the date that is 5 years*
7 *after the date of the enactment of this Act.*

Calendar No. 152

118TH CONGRESS
1ST Session

S. 2006

A BILL

To foster Tunisia's democratic institutions, to limit funds until Tunisia restores checks and balances, and to authorize the creation of a fund to support democratic reforms.

JULY 25, 2023

Reported with an amendment