118TH CONGRESS
1ST SESSION

S. ______

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

Mr. Risch (for himself and Mr. Menendez) introduced the following bill; which was read twice and referred to the Committee on

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”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:
(1) In 2010 and 2011, waves of anti-government protests and violence reshaped governments across the Middle East and North Africa.

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

(3) On October 14, 2019, Tunisians overwhelmingly elected Kais Saied, a constitutional law professor, as President based on his pledges to combat corruption and improve Tunisia’s economic outlook.

(4) On July 25, 2021, President Saied unilaterally suspended parliament and dismissed the Prime Minister, citing exceptional circumstances and Article 80 of the 2014 constitution.

(5) On September 22, 2021, President Saied issued Presidential Decree 117, consolidating full executive and legislative powers within the presidency and authorizing further decrees regulating the judiciary, media, political parties, electoral law, freedoms and human rights.
(6) On February 6, 2022, President Saied dissolved the Supreme Judicial Council, eliminating an independent judiciary.

(7) On March 30, 2022, President Saied officially dissolved parliament, further consolidating power and eliminating checks and balances on the presidency.

(8) On June 30, 2022, President Saied unilaterally introduced a new draft constitution, subject to a referendum, consolidating broad powers under executive rule.

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

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

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

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

(13) On December 17, 2022, only 11 percent of Tunisians participated in parliamentary elections, reflecting dissatisfaction with the referendum, barriers to political parties, and low public trust for democratic institutions in Tunisia.

(14) On January 20, 2023, 4 political opponents of President Saied were sentenced through military courts for “insulting a public official” and disturbing public order.

(15) On January 29, 2023, only 11 percent of Tunisians participated in parliamentary run-off elections, reaffirming low public trust for democratic institutions in Tunisia.

(16) On February 1, 2023, President Saied extended the state of emergency until the end of 2023.

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

(18) On February 11, 2023, and in the following weeks, President Saied launched a political crackdown by arresting political activists, journal-
ists, and business leaders for allegedly plotting against the state, including by opening a criminal investigation against a former Nidaa Tounes parliamentarian.

(19) On February 21, 2023, President Saied justified widespread arrests and harassment of African migrants and Black Tunisians by accusing “hordes of irregular migrants” of criminality and violence, claiming a “criminal enterprise hatched at the beginning of this century to change the demographic composition of Tunisia” threatened national security.

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

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

(22) On April 17, 2023, President Kais Saied vowed “relentless war” against opposition figures, jailed Ennahdha party leader Rached Ghannouchi, detained president of the National Salvation Front coalition Nejib Chebbi, and shuttered Ennahdha offices and those of an ideologically broad opposition coalition.
(23) As of April 20, 2023, an International Monetary Fund loan for Tunisia remains stalled as President Saied’s characterized necessary reforms as “foreign diktats” and decried proposed cuts in subsidies as socially destabilizing.

SEC. 3. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to forge a strong and lasting partnership with the Government of Tunisia to support shared national security interests to include countering the enduring threat of transnational terrorism and promoting regional stability;

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

(3) to encourage standards and training for the Tunisian Armed Forces that enshrines military professionalism and respect for civil-military relations;

(4) to support the Tunisian people’s aspirations for a democratic future and support democratic principles in Tunisia, to include a robust civil society, respect for freedoms of expression and association, press freedom, separation of powers, and the rule of law;
(5) to support the Tunisian people’s livelihoods and aspirations for economic dignity;
(6) to work in tandem with our G7 and other partners to promote Tunisia’s return to democratic principles in a manner that halts democratic backsliding, stabilizes the economic crisis, spurs economic development, and mitigates destabilizing migration flows; and
(7) to readjust bilateral United States foreign assistance, including security assistance, based on the progress of the Government of Tunisia toward meeting the democratic aspirations and economic needs of the Tunisian people.

SEC. 4. LIMITATION ON FUNDS; CREATION OF TUNISIA DEMOCRACY SUPPORT FUND; REPORT.

(a) IN GENERAL.—Effective upon the date of the enactment of this Act, the Secretary of State, in conjunction with the Administrator of the United States Agency for International Development—

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

(2) is authorized to establish a “Tunisia Democracy Support Fund”, as provided for in subsection (c), to encourage reforms that restore Tunisian democracy and rule of law.
(b) LIMITATION ON FUNDS.—Of the funds authorized to be appropriated or otherwise made available in fiscal years 2024 and 2025 to carry out chapters 1 and 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), chapters 1 through 6, 8, and 9 of part II of such Act (22 U.S.C. 2301 et seq.), and section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the Government of Tunisia, an aggregate amount of 25 percent for each such fiscal year shall be withheld from obligation, with the exception of funding for Tunisian civil society, until the Secretary of State determines and certifies to the appropriate congressional committees that the state of emergency declared on July 25, 2021, has been terminated.

(c) TUNISIA DEMOCRACY SUPPORT FUND AUTHORIZED.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of State $100,000,000 for each of the fiscal years 2024 and 2025, which shall be used to establish the “Tunisia Democracy Support Fund” for the purpose of encouraging reforms that restore Tunisia’s democratic institutions and rule of law.

(2) LIMITATION.—Funds authorized to be appropriated pursuant to paragraph (1) shall not be
available for obligation until the Secretary of State
certifies in writing to the appropriate congressional
committees that the Government of Tunisia has
demonstrated measurable progress towards the
democratic benchmarks outlined in subsection (d).

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

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

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

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

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

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

and
(6) ceases efforts to intimidate Tunisian independent media through arbitrary arrests and criminal prosecutions of journalists on illegitimate charges.

(c) INITIAL REPORT, ANNUAL REPORT AND BRIEFING.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act and annually thereafter through 2028, the Secretary of State shall provide a report and accompanying briefing on the state of Tunisia’s democracy and associated progress on the democratic benchmarks outlined in subsection (d) to the appropriate congressional committees.

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

(f) WAIVER.—The Secretary of State may waive the limitation on funding under subsection (b) if the Secretary, not later than 15 days before the waiver is to take effect, certifies to the appropriate congressional committees that such waiver is in the national interest of the United States. The Secretary shall submit with the certification a detailed justification explaining the reasons for the waiver.
(g) DEFINED TERM.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate;

(2) the Committee on Appropriations of the Senate;

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

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

SEC. 5. TERMINATION.

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