

110TH CONGRESS
1ST SESSION

H. R. 1856

To amend the Foreign Assistance Act of 1961 and the Palestinian Anti-Terrorism Act of 2006 to further promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2007

Ms. ROS-LEHTINEN (for herself, Mr. CANTOR, Mr. CHABOT, Mr. PENCE, Mr. McCAUL of Texas, and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Foreign Assistance Act of 1961 and the Palestinian Anti-Terrorism Act of 2006 to further promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

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 “Palestinian Anti-Ter-
5 rorism Act Amendments of 2007”.

1 **SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN**
2 **AUTHORITY.**

3 (a) AMENDMENT.—Section 620K of the Foreign As-
4 sistance Act of 1961 (22 U.S.C. 2378b) is amended to
5 read as follows:

6 **“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALES-**
7 **TINIAN AUTHORITY.**

8 “(a) LIMITATION.—Except as provided in subsection
9 (e), assistance may be provided under this Act to the Pal-
10 estinian Authority only during a period for which a certifi-
11 cation described in subsection (b) is in effect.

12 “(b) CERTIFICATION.—A certification described in
13 this subsection is a certification transmitted by the Presi-
14 dent to Congress that contains a determination of the
15 President that—

16 “(1) no ministry, agency, or instrumentality of
17 the Palestinian Authority is controlled by a foreign
18 terrorist organization and no member of a foreign
19 terrorist organization serves in a senior policy mak-
20 ing position in a ministry, agency, or instrumentality
21 of the Palestinian Authority;

22 “(2) the Palestinian Authority has—

23 “(A) publicly acknowledged Israel’s right
24 to exist as a Jewish state; and

25 “(B) recommitted itself and is adhering to
26 all previous agreements and understandings by

1 the Palestine Liberation Organization and the
2 Palestinian Authority with the Government of
3 the United States, the Government of Israel,
4 and the international community, including
5 agreements and understandings pursuant to the
6 Performance-Based Roadmap to a Permanent
7 Two-State Solution to the Israeli-Palestinian
8 Conflict (commonly referred to as the ‘Road-
9 map’); and

10 “(3) the Palestinian Authority has taken effec-
11 tive steps and made demonstrable progress toward—

12 “(A) completing the process of purging
13 from its security services individuals with ties to
14 terrorism;

15 “(B) dismantling all terrorist infrastruc-
16 ture, confiscating unauthorized weapons, arrest-
17 ing and bringing terrorists to justice, destroying
18 unauthorized arms factories, thwarting and pre-
19 empting terrorist attacks, and fully cooperating
20 with Israel’s security services;

21 “(C) halting all anti-Israel incitement in
22 Palestinian Authority-controlled electronic and
23 print media and in schools, mosques, and other
24 institutions it controls, and replacing these ma-
25 terials, including textbooks, with materials that

1 promote tolerance, peace, and coexistence with
2 Israel;

3 “(D) ensuring democracy, the rule of law,
4 and an independent judiciary, and adopting
5 other reforms such as ensuring transparent and
6 accountable governance; and

7 “(E) ensuring the financial transparency
8 and accountability of all government ministries
9 and operations.

10 “(c) RECERTIFICATIONS.—Not later than 90 days
11 after the date on which the President transmits to Con-
12 gress an initial certification under subsection (b), and
13 every six months thereafter—

14 “(1) the President shall transmit to Congress a
15 recertification that the requirements contained in
16 subsection (b) are continuing to be met; or

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

20 “(d) CONGRESSIONAL NOTIFICATION.—Assistance
21 made available under this Act to the Palestinian Authority
22 may not be provided until 15 days after the date on which
23 the President has provided notice thereof to the appro-
24 priate congressional committees in accordance with the

1 procedures applicable to reprogramming notifications
2 under section 634A(a) of this Act.

3 “(e) EXCEPTION.—

4 “(1) ASSISTANCE TO SUPPORT THE MIDDLE
5 EAST PEACE PROCESS.—Subsection (a) shall not
6 apply with respect to assistance to the Office of the
7 President of the Palestinian Authority for non-secu-
8 rity expenses directly related to facilitating a peace-
9 ful resolution of the Israeli-Palestinian conflict if the
10 President transmits to Congress a certification that
11 contains a determination of the President that—

12 “(A) such assistance is critical to facili-
13 tating a peaceful resolution of the Israeli-Pales-
14 tinian conflict;

15 “(B) the President of the Palestinian Au-
16 thority is not a member of or affiliated with a
17 foreign terrorist organization and has rejected
18 the use of terrorism to resolve the Israeli-Pales-
19 tinian conflict;

20 “(C) such assistance will not be used to
21 provide funds to any individual who is a mem-
22 ber of or affiliated with a foreign terrorist orga-
23 nization or who has not rejected the use of ter-
24 rorism to resolve the Israeli-Palestinian conflict;
25 and

1 “(D) such assistance will not be retrans-
2 ferred to any other entity within or outside of
3 the Palestinian Authority.

4 “(2) ADDITIONAL REQUIREMENTS.—Assistance
5 described in paragraph (1) may be provided only if
6 the President—

7 “(A) determines that the provision of such
8 assistance is important to the national security
9 interests of the United States; and

10 “(B) not less than 30 days prior to the ob-
11 ligation of amounts for the provision of such as-
12 sistance—

13 “(i) consults with the appropriate con-
14 gressional committees regarding the spe-
15 cific programs, projects, and activities to
16 be carried out using such assistance; and

17 “(ii) submits to the appropriate con-
18 gressional committees a written memo-
19 randum that contains the determination of
20 the President under subparagraph (A).

21 “(f) DEFINITIONS.—In this section:

22 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term ‘appropriate congressional com-
24 mittees’ means—

1 “(A) the Committee on Foreign Affairs
2 and the Committee on Appropriations of the
3 House of Representatives; and

4 “(B) the Committee on Foreign Relations
5 and the Committee on Appropriations of the
6 Senate.

7 “(2) FOREIGN TERRORIST ORGANIZATION.—
8 The term ‘foreign terrorist organization’ means an
9 organization designated as a foreign terrorist organi-
10 zation by the Secretary of State in accordance with
11 section 219(a) of the Immigration and Nationality
12 Act (8 U.S.C. 1189(a)).

13 “(3) PALESTINIAN AUTHORITY.—The term
14 ‘Palestinian Authority’ means the interim Pales-
15 tinian administrative organization that governs part
16 of the West Bank and all of the Gaza Strip (or any
17 successor Palestinian governing entity), including
18 the Palestinian Legislative Council.”.

19 (b) APPLICABILITY TO UNEXPENDED FUNDS.—Sec-
20 tion 620K of the Foreign Assistance Act of 1961, as
21 amended by subsection (a), applies with respect to unex-
22 pended funds obligated for assistance under the Foreign
23 Assistance Act of 1961 to the Palestinian Authority before
24 the date of the enactment of this Act.

1 (c) REPORT BY COMPTROLLER GENERAL.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Comptroller General of the United States shall submit
4 to the appropriate congressional committees a report that
5 contains a review of the proposed procedures by which
6 United States assistance to the Palestinian Authority
7 under the Foreign Assistance Act of 1961 will be audited
8 by the Department of State, the United States Agency for
9 International Development, and all other relevant depart-
10 ments and agencies of the Government of the United
11 States and any recommendations for improvement of such
12 procedures.

13 (d) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the President should be guided by the principles
15 and procedures described in section 620K of the Foreign
16 Assistance Act of 1961, as amended by subsection (a), in
17 providing direct assistance to the Palestinian Authority
18 under any provision of law other than the Foreign Assist-
19 ance Act of 1961.

20 **SEC. 3. UNITED NATIONS AGENCIES AND PROGRAMS.**

21 (a) REVIEW AND REPORT.—

22 (1) IN GENERAL.—Not later than 60 days after
23 the date of the enactment of this Act, the President
24 shall—

1 (A) conduct an audit of the functions of
2 the entities specified in paragraph (2); and

3 (B) transmit to the appropriate congress-
4 sional committees a report containing rec-
5 ommendations for the elimination of such enti-
6 ties and efforts that are duplicative or fail to
7 ensure balance in the approach of the United
8 Nations to Israeli-Palestinian issues.

9 (2) ENTITIES SPECIFIED.—The entities re-
10 ferred to in paragraph (1) are the following:

11 (A) The United Nations Division for Pales-
12 tinian Rights.

13 (B) The Committee on the Exercise of the
14 Inalienable Rights of the Palestinian People.

15 (C) The United Nations Special Coordi-
16 nator for the Middle East Peace Process and
17 Personal Representative to the Palestine Lib-
18 eration Organization and the Palestinian Au-
19 thority.

20 (D) The NGO Network on the Question of
21 Palestine.

22 (E) The Special Committee to Investigate
23 Israeli Practices Affecting the Human Rights of
24 the Palestinian People and Other Arabs of the
25 Occupied Territories.

1 (F) Any other entity the President deter-
2 mines results in duplicative efforts or funding
3 or fails to ensure balance in the approach to
4 Israeli-Palestinian issues.

5 (b) IMPLEMENTATION OF RECOMMENDATIONS BY
6 PERMANENT REPRESENTATIVE.—

7 (1) IN GENERAL.—The United States Perma-
8 nent Representative to the United Nations shall use
9 the voice, vote, and influence of the United States at
10 the United Nations to seek the implementation of
11 the recommendations contained in the report re-
12 quired under subsection (a)(1)(B).

13 (2) WITHHOLDING OF FUNDS.—Until the
14 President certifies to the Congress that such rec-
15 ommendations have been implemented, the Secretary
16 of State shall withhold from United States contribu-
17 tions to the regular assessed budget of the United
18 Nations for a biennial period amounts that are pro-
19 portional to the percentage of such budget that are
20 expended for such entities.

21 (c) GAO AUDIT.—The Comptroller General of the
22 United States shall conduct an audit of the status of the
23 implementation of the recommendations contained in the
24 report required under subsection (a)(1)(B).

1 (d) WITHHOLDING OF FUNDS WITH RESPECT TO
2 THE PALESTINIAN AUTHORITY.—

3 (1) ASSESSED CONTRIBUTIONS.—The Secretary
4 of State shall withhold from United States contribu-
5 tions to the regular assessed budget of the United
6 Nations for a biennial period amounts that are equal
7 to the amounts of such budget that are expended by
8 any United Nations affiliated or specialized agency
9 for assistance directly to the Palestinian Authority.

10 (2) VOLUNTARY CONTRIBUTIONS.—The Sec-
11 retary of State shall withhold from United States
12 contributions to the voluntary budget of the United
13 Nations for a biennial period amounts that are equal
14 to the amounts of such budget that are expended by
15 any United Nations affiliated or specialized agency
16 for assistance directly to the Palestinian Authority.

17 (3) DEFINITION.—For the purposes of this sec-
18 tion, the term “amounts of such budget that are ex-
19 pended by any United Nations affiliated or special-
20 ized agency for assistance directly to the Palestinian
21 Authority” does not include—

22 (A) amounts expended during any period
23 for which a certification described in section
24 620K(b) of the Foreign Assistance Act of 1961
25 (as amended by section 2(a) of this Act) is in

1 effect with respect to the Palestinian Authority;
2 or

3 (B) amounts expended for assistance of
4 the type of assistance described in section
5 104(c), 104A, 104B, or 104C of the Foreign
6 Assistance Act of 1961 (22 U.S.C. 2151b,
7 2151b-2, 2151b-3, or 2151b-4) and which
8 would, if provided by the Government of the
9 United States, be permitted under such sec-
10 tions, or under chapter 4 of part II of such Act
11 (22 U.S.C. 2346 et seq.) to carry out the pur-
12 poses of such sections, by reason of the applica-
13 tion of section 104(c)(4) of such Act.

14 **SEC. 4. DESIGNATION OF TERRITORY CONTROLLED BY THE**
15 **PALESTINIAN AUTHORITY AS TERRORIST**
16 **SANCTUARY.**

17 (a) STATEMENT OF POLICY.—During any period for
18 which a certification described in section 620K(b) of the
19 Foreign Assistance Act of 1961 (as amended by section
20 2(a) of this Act) is not in effect with respect to the Pales-
21 tinian Authority, it shall be the policy of the United States
22 to designate the territory controlled by the Palestinian Au-
23 thority to be in use as a sanctuary for terrorists or ter-
24 rorist organizations for purposes of section 6(j)(5) of the
25 Export Administration Act of 1979 (50 U.S.C. App.

1 2405(j)(5)) and section 140 of the Foreign Relations Au-
2 thorization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
3 2656f).

4 (b) REPEAL.—Section 4 of the Palestinian Anti-Ter-
5 rorism Act of 2006 (Public Law 109–446; 22 U.S.C.
6 2378b note) is hereby repealed.

7 **SEC. 5. DENIAL OF VISAS FOR OFFICIALS OF THE PALES-**
8 **TINIAN AUTHORITY.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), a visa shall not be issued to any alien who is an official
11 of, affiliated with, or serving as a representative of the
12 Palestinian Authority during any period for which a cer-
13 tification described in section 620K(b) of the Foreign As-
14 sistance Act of 1961 (as amended by section 2(a) of this
15 Act) is not in effect with respect to the Palestinian Au-
16 thority.

17 (b) EXCEPTIONS.—The restriction under subsection
18 (a) shall not apply—

19 (1) if the President determines and certifies to
20 the appropriate congressional committees, on a case-
21 by-case basis, that the issuance of a visa to an alien
22 described in such subsection is important to the na-
23 tional security interests of the United States; or

24 (2) with respect to visas issued in connection
25 with United States obligations under the Act of Au-

1 gust 4, 1947 (61 Stat. 756) (commonly known as
2 the “United Nations Headquarters Agreement
3 Act”).

4 (c) REPEAL.—Section 5 of the Palestinian Anti-Ter-
5 rorism Act of 2006 (Public Law 109–446; 22 U.S.C.
6 2378b note) is hereby repealed.

7 **SEC. 6. TRAVEL RESTRICTIONS ON OFFICIALS AND REP-**
8 **RESENTATIVES OF THE PALESTINIAN AU-**
9 **THORITY AND THE PALESTINE LIBERATION**
10 **ORGANIZATION STATIONED AT THE UNITED**
11 **NATIONS IN NEW YORK CITY.**

12 (a) IN GENERAL.—The President shall restrict the
13 travel of officials and representatives of the Palestinian
14 Authority and of the Palestine Liberation Organization
15 who are stationed at the United Nations in New York City
16 to a 25-mile radius of the United Nations headquarters
17 building during any period for which a certification de-
18 scribed in section 620K(b) of the Foreign Assistance Act
19 of 1961 (as amended by section 2(a) of this Act) is not
20 in effect with respect to the Palestinian Authority.

21 (b) REPEAL.—Section 6 of the Palestinian Anti-Ter-
22 rorism Act of 2006 (Public Law 109–446; 22 U.S.C.
23 2378b note) is hereby repealed.

1 **SEC. 7. PROHIBITION ON PALESTINIAN AUTHORITY AND**
2 **PALESTINE LIBERATION ORGANIZATION REP-**
3 **RESENTATION IN THE UNITED STATES.**

4 (a) PROHIBITION.—Subsection (a) of section 7 of the
5 Palestinian Anti-Terrorism Act of 2006 (Public Law 109–
6 446; 22 U.S.C. 2378b note) is amended by inserting “or
7 the Palestine Liberation Organization” after “Palestinian
8 Authority”.

9 (b) ENFORCEMENT.—Subsection (b)(1) of such sec-
10 tion is amended by adding at the end before the period
11 the following “, including steps necessary to apply the poli-
12 cies and provisions of subsection (a) to the Permanent Ob-
13 server Mission of Palestine to the United Nations”.

14 (c) WAIVER.—Subsection (c) of such section is
15 amended to read as follows:

16 “(c) WAIVER.—

17 “(1) AUTHORITY.—The President may waive
18 the application of subsection (a) for a period of 180
19 days if the President determines and certifies to the
20 appropriate congressional committees that such
21 waiver—

22 “(A) is vital to the national security inter-
23 ests of the United States and provides an expla-
24 nation of how the failure to waive the applica-
25 tion of subsection (a) would be inconsistent

1 with the vital national security interests of the
2 United States; and

3 “(B) would further the achievement of the
4 requirements outlined in the certification de-
5 scribed in section 620K(b) of the Foreign As-
6 sistance Act of 1961 (as added by section
7 2(b)(2) of this Act and amended by section 2(a)
8 of the Palestinian Anti-Terrorism Act Amend-
9 ments of 2007).

10 “(2) RENEWAL.—The President may renew the
11 waiver described in paragraph (1) for successive
12 180-day periods if the President makes the deter-
13 mination and certification described in such para-
14 graph for each such period.”.

15 (d) CONFORMING AMENDMENT.—The heading for
16 such section is amended by inserting “**AND PALESTINE**
17 **LIBERATION ORGANIZATION**” after “**PALESTINIAN**
18 **AUTHORITY**”.

19 **SEC. 8. INTERNATIONAL FINANCIAL INSTITUTIONS.**

20 (a) UNITED STATES POLICY.—It shall be the policy
21 of the United States that the United States Executive Di-
22 rector at each international financial institution shall use
23 the voice, vote, and influence of the United States to pro-
24 hibit assistance to the Palestinian Authority unless a cer-

1 tification described in subsection (b) is in effect with re-
2 spect to the Palestinian Authority.

3 (b) CERTIFICATION.—A certification described in this
4 subsection is a certification transmitted by the President
5 to the appropriate congressional committees that contains
6 a determination of the President that the requirements of
7 paragraphs (1), (2), and (3)(A), (B), (C), and (E) of sec-
8 tion 620K(b) of the Foreign Assistance Act of 1961 (as
9 amended by section 2(a) of this Act) are being met by
10 the Palestinian Authority.

11 (c) DEFINITION.—In this section, the term “inter-
12 national financial institution” has the meaning given the
13 term in section 1701(e)(2) of the International Financial
14 Institutions Act.

15 (d) REPEAL.—Section 8 of the Palestinian Anti-Ter-
16 rorism Act of 2006 (Public Law 109–446; 22 U.S.C.
17 2378b note) is hereby repealed.

18 **SEC. 9. DIPLOMATIC CONTACTS WITH PALESTINIAN TER-**
19 **ROR ORGANIZATIONS.**

20 Section 9 of the Palestinian Anti-Terrorism Act of
21 2006 (Public Law 109–446; 22 U.S.C. 2378b note) is
22 amended—

23 (1) in the matter preceding paragraph (1), by
24 inserting “or have substantive contacts” after “nego-
25 tiate”; and

1 (2) in paragraph (4), by inserting “and the Pal-
2 estine Liberation Organization” after “State of
3 Israel”.

4 **SEC. 10. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Foreign Affairs and
10 the Committee on Appropriations of the House
11 of Representatives; and

12 (B) the Committee on Foreign Relations
13 and the Committee on Appropriations of the
14 Senate.

15 (2) **PALESTINIAN AUTHORITY.**—The term “Pal-
16 estinian Authority” has the meaning given the term
17 in section 620K(f)(3) of the Foreign Assistance Act
18 of 1961 (as amended by section 2(a) of this Act).

○