

109TH CONGRESS
2D SESSION

S. 2237

To withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2006

Mr. SANTORUM (for himself, Mr. NELSON of Florida, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To withhold United States assistance from the Palestinian Authority until certain conditions have been satisfied.

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 Compliance
5 Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Harakatu I-Mujawamati I-Islamiya, which
9 translated in English means the “Islamic Resistance

1 Movement”, was founded in Gaza by Sheikh Ahmad
2 Yassin.

3 (2) The Islamic Resistance Movement, also
4 known as “ Hamas” has been designated as a For-
5 eign Terrorist Organization by the Secretary of
6 State.

7 (3) The Hamas resistance movement, which
8 evolved from the Muslim Brotherhood in 1987, won
9 74 seats of the 132-seat legislature in the January
10 26, 2006, Palestinian parliamentary elections.

11 (4) Hamas, which has been designated by the
12 Governments of the United States, Canada, and
13 Israel and by the European Union as a terrorist or-
14 ganization, has carried out hundreds of terrorist at-
15 tacks, which have killed hundreds of civilians and in-
16 jured thousands more.

17 (5) In 2001, the United States Government,
18 under the authority of Executive Order No. 13224
19 (50 U.S.C. 1701 note; prohibiting transactions with
20 persons who support terrorism), blocked the assets
21 of 3 entities, The Holy Land Foundation for Relief
22 and Development, Beit al-Mal Holdings, and Al-
23 Aqsa Islamic Bank, because these entities were pro-
24 viding financial and material support to Hamas.

1 (6) Article 11 of the Hamas charter states the
2 following: “The Islamic Resistance Movement be-
3 lieves that the land of Palestine is an Islamic Waqf
4 consecrated for future Moslem generations until
5 Judgement Day. It, or any part of it, should not be
6 squandered: it, or any part of it, should not be given
7 up. Neither a single Arab country nor all Arab coun-
8 tries, neither any king or president, nor all the kings
9 and presidents, neither any organization nor all of
10 them, be they Palestinian or Arab, possess the right
11 to do that. Palestine is an Islamic Waqf land con-
12 secrated for Moslem generations until Judgement
13 Day.”.

14 (7) Article 13 of the Hamas charter states,
15 “There is no solution for the Palestinian question
16 except through Jihad. Initiatives, proposals and
17 international conferences are all a waste of time and
18 vain endeavors.”.

19 (8) Hamas receives financial support from the
20 Islamic Republic of Iran, a state sponsor of ter-
21 rorism, as well as charitable donations and remit-
22 tances from Arab expatriates and commercial enter-
23 prises.

1 (9) Hamas has a budget estimated at
 2 \$70,000,000, with 85 percent of these funds coming
 3 from outside sources.

4 (10) According to the Israel Defense Forces,
 5 Hamas has killed nearly 300 and wounded over
 6 2,000 Israeli citizens since September 2000.

7 (11) According to the Office of the Coordinator
 8 for Counterterrorism of the Department of State, in
 9 2003 and 2004, terrorist attacks by Hamas, the
 10 Palestinian Islamic Jihad (PIJ), the al-Aqsa Mar-
 11 tyrs Brigade, and the Popular Front for the Libera-
 12 tion of Palestine (PFLP) killed almost 300 people in
 13 Israel, the West Bank, and Gaza.

14 (12) Section 550(a) of the Foreign Operations,
 15 Export Financing, and Related Programs Appro-
 16 priations Act, 2006 (Public Law 109–102; 119 Stat.
 17 2217) provides, “None of the funds appropriated by
 18 this Act to carry out the provisions of chapter 4 of
 19 part II of the Foreign Assistance Act of 1961 may
 20 be obligated or expended with respect to providing
 21 funds to the Palestinian Authority.”.

22 **SEC. 3. PROHIBITION OF FINANCIAL ASSISTANCE TO THE**
 23 **PALESTINIAN AUTHORITY.**

24 Section 550 of the Foreign Operations, Export Fi-
 25 nancing, and Related Programs Appropriations Act, 2006

1 (Public Law 109–102; 119 Stat. 2217) is amended by
2 striking subsection (b) and inserting the following:

3 “(b) WAIVER.—The prohibition included in sub-
4 section (a) shall not apply if the President certifies in writ-
5 ing to the Speaker of the House of Representatives and
6 the President Pro Tempore of the Senate that the Pales-
7 tinian Authority has—

8 “(1) denounced terrorism and expressed a com-
9 mitment to combating terrorism;

10 “(2) committed to disarming terrorists and dis-
11 arming and dismantling terrorist networks, groups,
12 and entities;

13 “(3) committed to eliminating the incitement of
14 terrorism and the commemoration of terrorists in
15 Palestinian society;

16 “(4) pledged to uphold the human rights, civil
17 liberties, and religious liberties of the Palestinian
18 people;

19 “(5) recognized Israel’s right to exist and taken
20 appropriate steps to amend ‘The Covenant of the Is-
21 lamic Resistance Movement’ dated August 18, 1988,
22 to delete statements that are hostile to Israel and
23 that support the use of violence;

24 “(6) renounced the use of violence as a means
25 to resolve disputes between entities; and

1 “(7) committed to prosecuting those individ-
2 uals, entities, and organizations that have committed
3 acts of terrorism.”.

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