

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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## 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

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## 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).

○