

114TH CONGRESS
2D SESSION

S. 2537

To amend the Anti-Terrorism Act of 1987 with respect to certain prohibitions regarding the Palestine Liberation Organization under that Act.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2016

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Anti-Terrorism Act of 1987 with respect to certain prohibitions regarding the Palestine Liberation Organization under that Act.

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 The Act may be cited as the “PLO Accountability
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Palestine Liberation Organization
9 (PLO) Mission office, representing the PLO, and by
10 extension, the Palestinian Authority, in Washington,

1 DC, was opened in 1994 in order to implement the
2 Oslo Accords, which initiated direct negotiations be-
3 tween the PLO and the Government of Israel.

4 (2) Section 1003 of the Anti-Terrorism Act of
5 1987 (Public Law 100–204; 22 U.S.C. 5202),
6 makes it unlawful to “establish or maintain an of-
7 fice, headquarters, premises, or other facilities or es-
8 tablishments within the jurisdiction of the United
9 States at the behest or direction of, or with funds
10 provided by the Palestine Liberation Organization or
11 any of its constituent groups, any successor to any
12 of those, or any agents thereof”.

13 (3) Using various authorities, the Executive
14 branch has waived the provisions of section 1003 of
15 the Anti-Terrorism Act of 1987.

16 (4) Article XXXI, clause 7, of the Israeli-Pales-
17 tinian Interim Agreement on the Status of the West
18 Bank and the Gaza Strip (September 28, 1995)
19 states that “Neither side shall initiate or take any
20 step that will change the status of the West Bank
21 and the Gaza Strip pending the outcome of the per-
22 manent status negotiations”.

23 (5) In January 2009, the PLO sent a declara-
24 tion to the International Criminal Court under Arti-
25 cle 12(3) of the Rome Statute of the International

1 Criminal Court on behalf of the Palestinian Author-
2 ity.

3 (6) On October 31, 2011, the United Nations
4 Educational, Scientific and Cultural Organization
5 (UNESCO) voted to admit the “State of Palestine”
6 as its 195th full member. Since being admitted, the
7 Palestinians have used UNESCO to pass anti-Israel
8 rulings, including a recent proposal to have the
9 Western Wall classified as part of the Aqsa com-
10 pound.

11 (7) On November 29, 2012, the United Nations
12 General Assembly voted to accord the “State of Pal-
13 estine” status as a nonmember observer state at the
14 United Nations.

15 (8) On April 2, 2014, the PLO joined the Gene-
16 va Conventions as well as 13 other organizations.

17 (9) On January 2, 2015, the PLO acceded to
18 the Rome Statute, and on January 16, 2015, the
19 Prosecutor of the International Criminal Court
20 opened a “preliminary examination of the situation
21 in Palestine” after accepting jurisdiction of the
22 International Criminal Court “over alleged crimes
23 committed in the occupied Palestinian territory, in-
24 cluding East Jerusalem, since June 13, 2014”.

1 (10) The PLO's decision to accede to the Rome
2 Statute as well as several international organizations
3 is an attempt to change the status of the West Bank
4 and the Gaza Strip outside of direct negotiations be-
5 tween the Israelis and Palestinians.

6 (11) On January 7, 2015, the Department of
7 State's Office of the Spokesperson stated, "we have
8 made clear our opposition to Palestinian action in
9 seeking to join the Rome Statute of the Inter-
10 national Criminal Court. This step is counter-pro-
11 ductive, will damage the atmosphere with the very
12 people with whom Palestinians ultimately need to
13 make peace, and will do nothing to further the aspi-
14 rations of the Palestinian people for a sovereign and
15 independent state."

16 (12) On February 23, 2015, a jury in a New
17 York Federal court found the PLO and the Pales-
18 tinian Authority liable for six terrorist attacks in
19 Israel between 2002 and 2004 that killed 33 people
20 and injured more than 450 others, including United
21 States citizens among the victims.

22 (13) The Federal jury ordered the PLO and the
23 Palestinian Authority, both of which are headed by
24 Mahmoud Abbas, to pay \$218,500,000 in repara-

1 tions to the victims and their families of these terror
2 acts.

3 (14) On April 1, 2015, the “State of Palestine”
4 officially became a member of the International
5 Criminal Court.

6 (15) The PLO continues to reward terrorists
7 and their families who commit terrorist attacks, pro-
8 viding a higher reward to those with longer jail sen-
9 tences.

10 (16) The PLO continues to refuse to disclose
11 all of its financial assets, including the multibillion-
12 dollar Palestinian National Fund (PNF) belonging
13 to Mahmoud Abbas. The Fund is estimated to have
14 tens of billions of dollars, though its exact amount
15 is unknown. It is allegedly used by Abbas to fund ev-
16 erything from his international campaign against
17 Israel to compensation to the families of Palestinian
18 terrorists.

19 **SEC. 3. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) the Palestine Liberation Organization
22 (PLO) has failed to live up to its commitment to a
23 bilateral peace process with Israel, renounce vio-
24 lence, accept Israel’s right to exist, honor previous
25 diplomatic agreements made by the Palestinians,

1 and continues to circumvent a negotiated settlement
2 with Israel by seeking unilateral statehood at the
3 United Nations and from other countries, and con-
4 tinues to actively endorse terror;

5 (2) Mahmoud Abbas has purposefully blurred
6 the lines between the PLO and the Palestinian Au-
7 thority in order to avoid responsibility for violating
8 previous agreements with Israel while continuing to
9 receive United States aid;

10 (3) the Palestinian initiation of an International
11 Criminal Court investigation, or active support for
12 such an investigation, that subjects Israeli nationals
13 to an investigation for alleged crimes against Pal-
14 estinians, would violate the Palestinians' commit-
15 ment to not change the status of the West Bank and
16 Gaza Strip;

17 (4) only a solution negotiated directly between
18 the Israelis and Palestinians can result in a lasting
19 peace, and the Palestinians should not turn to out-
20 side parties, including international organizations, to
21 impose or otherwise influence a solution between the
22 parties;

23 (5) if the Palestinian Authority or any rep-
24 resentation thereof initiates or supports an inves-
25 tigation at the International Criminal Court, the

1 Secretary of State should close the Palestine Libera-
 2 tion Organization Mission office in the United
 3 States; and

4 (6) it is in the national security interests of the
 5 United States to remove the PLO office from Wash-
 6 ington, DC.

7 **SEC. 4. PROHIBITIONS REGARDING THE PLO UNDER THE**
 8 **ANTI-TERRORISM ACT OF 1987.**

9 Section 1003 of the Anti-Terrorism Act of 1987 (22
 10 U.S.C. 5202) is amended—

11 (1) by striking “It shall be unlawful” and in-
 12 serting “(a) IN GENERAL.—It shall be unlawful”;
 13 and

14 (2) by adding at the end the following:

15 “(b) WAIVER.—Notwithstanding any other provision
 16 of law, including section 604 of the Foreign Relations Au-
 17 thorization Act, Fiscal Year 2003 (Public Law 107–228),
 18 the President may waive for a period of not more than
 19 6 months the provisions of subsection (a) if the President
 20 determines and certifies in writing to Congress, no less
 21 than 45 days before the waiver is to take effect, that—

22 “(1)(A) the Palestinians have not, on or after
 23 April 1, 2015, obtained in the United Nations or
 24 any specialized agency thereof the same standing as
 25 member states or full membership as a state outside

1 an agreement negotiated between Israel and the Pal-
2 estinians;

3 “(B) the Palestinians have officially ceased to
4 be members of the International Criminal Court
5 (ICC) and have withdrawn from the Rome Statute;

6 “(C) any preliminary examination or ongoing
7 investigation against Israel, the Government of
8 Israel, the Israeli Armed or Security Forces, or any
9 Israeli national initiated by, or on behalf of, the Pal-
10 estinians, or referred to the ICC by a state party,
11 the United Nations Security Council, or a Pre-Trial
12 Chamber has been withdrawn and terminated;

13 “(D) the PLO and the Palestinian Authority no
14 longer provide any financial award, payment, or sal-
15 ary to Palestinian terrorists imprisoned in Israel
16 who have committed terrorist attacks, or their fami-
17 lies; and

18 “(E) the PLO and the Palestinian Authority no
19 longer engage in a pattern of incitement against the
20 United States or Israel; or

21 “(2) the Palestinians have entered into a final
22 negotiated peace agreement with, and have ceased
23 all hostilities against, Israel.

24 “(c) DEFINITION.—In subsection (b)(1)(E), the term
25 ‘incitement’ means—

1 “(1) statements, media, communication, or
2 other activities against any religion, ethnicity, or na-
3 tionality;

4 “(2) advocacy, endorsement, or glorification of
5 violence, martyrdom, or terrorism; or

6 “(3) endorsement, glorification, honor, or other
7 memorialization of any person or group that has ad-
8 vocated, sponsored, or committed acts of terrorism,
9 including the naming after or dedication to such per-
10 son or group of any school, community center, camp,
11 stadium, public square, street, land, landmark, wa-
12 terway, or other facility.”.

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