

(e) Definitions

In this section:

(1) Appropriate congressional committees

the¹ term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

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

(2) Foreign terrorist organization

The term “foreign terrorist organization” means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 1189(a) of title 8.

(Pub. L. 87-195, pt. III, §620L, as added Pub. L. 109-446, §3(a), Dec. 21, 2006, 120 Stat. 3320.)

Editorial Notes**REFERENCES IN TEXT**

This chapter, referred to in subsecs. (a), (c), and (d), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

Executive Documents**DELEGATION OF FUNCTIONS**

Functions of President under subsec. (b)(4)(B) of this section delegated to Secretary of State by Determination of President of the United States, No. 2007-20, June 1, 2007, 72 F.R. 34973, set out as a note under section 2378b of this title.

§ 2378c-1. Limitation on assistance to the West Bank and Gaza**(a) Limitation****(1) In general**

Funds authorized to be appropriated or otherwise made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) and available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority may only be made available for such purpose if, except as provided in subsection (d), not later than 30 days after March 23, 2018, and every 180 days thereafter, the Secretary of State certifies in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations—

(A) are taking credible steps to end acts of violence against Israeli citizens and United States citizens that are perpetrated or materially assisted by individuals under their jurisdictional control, such as the March 2016 attack that killed former United States Army officer Taylor Force, a veteran of the wars in Iraq and Afghanistan;

(B) have terminated payments for acts of terrorism against Israeli citizens and United States citizens to any individual, after being fairly tried, who has been imprisoned for such acts of terrorism and to any individual who died committing such acts of terrorism, including to a family member of such individuals;

(C) have revoked any law, decree, regulation, or document authorizing or implementing a system of compensation for imprisoned individuals that uses the sentence or period of incarceration of an individual imprisoned for an act of terrorism to determine the level of compensation paid, or have taken comparable action that has the effect of invalidating any such law, decree, regulation, or document; and

(D) are publicly condemning such acts of violence and are taking steps to investigate or are cooperating in investigations of such acts to bring the perpetrators to justice.

(2) Additional certification requirement

The Secretary of State shall include in the certification required under paragraph (1) the definition of “acts of terrorism” that the Secretary used for purposes of making the determination in subparagraph (B) of such paragraph.

(b) Exception**(1) In general**

Subject to paragraph (2), the limitation on assistance under subsection (a) shall not apply to—

(A) payments made to the East Jerusalem Hospital Network;

(B) assistance for wastewater projects not exceeding \$5,000,000 in any one fiscal year; and

(C) assistance for any other program, project, or activity that provides vaccinations to children not exceeding \$500,000 in any one fiscal year.

(2) Notification

The Secretary of State shall notify in writing the appropriate congressional committees not later than 15 days prior to making funds available for assistance under subparagraph (A), (B), or (C) of paragraph (1).

(c) Rule of construction

Funds withheld pursuant to this section—

(1) shall be deemed to satisfy any similar withholding or reduction required under any other provision of law relating to the Palestinian Authority’s payments for acts of terrorism; and

(2) shall be in an amount that is not less than the total amount required by such other provision of law.

¹ So in original. Probably should be capitalized.

(d) Initial use and disposition of withheld funds**(1) Period of availability**

Funds withheld pursuant to this section are authorized to remain available for an additional 2 years from the date on which the availability of such funds would otherwise have expired.

(2) Use of funds

Funds withheld pursuant to this section may be made available for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority upon a certification by the Secretary of State that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions set forth in subsection (a). Except as provided in paragraph (3), such funds may not be made available for any purpose other than for assistance for the West Bank and Gaza that directly benefits the Palestinian Authority.

(3) Disposition of unused funds

Beginning on the date that is 180 days after the last day on which the initial availability of funds withheld pursuant to this section would otherwise have expired, such funds are authorized to be made available to the Department of State for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) in the following manner—

(A) 50 percent for purposes of assistance other than that deemed benefiting the Palestinian Authority; and

(B) 50 percent for purposes other than assistance for the West Bank and Gaza.

(e) Report**(1) In general**

If the Secretary of State is unable to certify in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions described in subsection (a), the Secretary shall, not later than 15 days after the date on which the Secretary is unable to make such certification, submit to the appropriate congressional committees a report that contains the following:

(A) The reasons why the Secretary was unable to certify in writing that such organizations have met such requirements.

(B) The definition of “acts of terrorism” that the Secretary used for purposes of making the determination in subparagraph (B) of subsection (a)(1).

(C) The total amount of funds to be withheld.

(2) Form

The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

(f) List of criteria**(1) In general**

Not later than 15 days after March 23, 2018, the Secretary of State shall submit to the ap-

propriate congressional committees a list of the criteria that the Secretary uses to determine whether assistance for the West Bank and Gaza is assistance that directly benefits the Palestinian Authority for purposes of carrying out this section.

(2) Update

The Secretary of State shall submit to the appropriate congressional committees an updated list under paragraph (1) not later than 15 days after the date on which the Secretary makes any modification to the list.

(Pub. L. 115–141, div. S, title X, §1004, Mar. 23, 2018, 132 Stat. 1144.)

Editorial Notes**REFERENCES IN TEXT**

The Foreign Assistance Act of 1961, referred to in subsecs. (a)(1) and (d)(3), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the Taylor Force Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Statutory Notes and Related Subsidiaries**FINDINGS**

Pub. L. 115–141, div. S, title X, §1002, Mar. 23, 2018, 132 Stat. 1143, provided that: “Congress makes the following findings:

“(1) The Palestinian Authority’s practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.

“(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and funds programs for which the Palestinian Authority would otherwise be responsible.

“(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education, and livelihoods, and that promote peace and development.

“(4) Since fiscal year 2015, annual appropriations legislation has mandated the reduction of Economic Support Fund aid for the Palestinian Authority as a result of their payments for acts of terrorism including, in fiscal year 2017, a reduction ‘by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year’.”

APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED

Pub. L. 115–141, div. S, title X, §1007, Mar. 23, 2018, 132 Stat. 1147, provided that: “In this title [see Short Title of 2018 Amendment note set out under section 2151 of this title], the term ‘appropriate congressional committees’ means—

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

“(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.”

§ 2378d. Limitation on assistance to security forces

(a) In general

No assistance shall be furnished under this chapter or the Arms Export Control Act [22 U.S.C. 2751 et seq.] to any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights.

(b) Exception

The prohibition in subsection (a) shall not apply if the Secretary determines and reports to the appropriate congressional committees that the government of such country is taking effective steps to bring the responsible members of the security forces unit to justice.

(c) Duty to inform

(1) If assistance to a foreign security force is provided in a manner in which the recipient unit or units cannot be identified prior to the transfer of assistance, the Secretary of State shall regularly provide a list of units prohibited from receiving assistance pursuant to this section to the recipient government and the appropriate congressional committees and, effective December 31, 2022, such assistance shall only be made available subject to a written agreement that the recipient government will comply with such prohibition.

(2) If the recipient government withholds assistance from a unit pursuant to this section, the Secretary shall inform the appropriate congressional committees and shall, to the maximum extent practicable, assist the foreign government in bringing the responsible members of the unit to justice.

(d) Credible information

The Secretary shall establish, and periodically update, procedures to—

- (1) ensure that for each country the Department of State has a current list of all security force units receiving United States training, equipment, or other types of assistance;
- (2) facilitate receipt by the Department of State and United States embassies of information from individuals and organizations outside the United States Government about gross violations of human rights by security force units;
- (3) routinely request and obtain such information from the Department of Defense, the Central Intelligence Agency, and other United States Government sources;
- (4) ensure that such information is evaluated and preserved;
- (5) ensure that when an individual is designated to receive United States training, equipment, or other types of assistance the individual's unit is vetted as well as the individual;
- (6) seek to identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking; and
- (7) make publicly available, to the maximum extent practicable, the identity of those units

for which no assistance shall be furnished pursuant to subsection (a).

(e) Definitions

(1) For the purposes of subsection (d)(7), the term “to the maximum extent practicable” means that the identity of such units shall be made publicly available unless the Secretary of State, on a case-by-case basis, determines and reports to the appropriate congressional committees that public disclosure is not in the national security interest of the United States and provides a detailed justification for such determination, which may be submitted in classified form.

(2) For the purposes of this section, “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(Pub. L. 87–195, pt. III, § 620M, formerly § 620J, as added Pub. L. 110–161, div. J, title VI, § 651, Dec. 26, 2007, 121 Stat. 2341; renumbered § 620M and amended Pub. L. 112–74, div. I, title VII, § 7034(k), Dec. 23, 2011, 125 Stat. 1216; Pub. L. 113–76, div. K, title VII, § 7034(l), Jan. 17, 2014, 128 Stat. 515; Pub. L. 117–103, div. K, title VII, § 7035(b)(6), Mar. 15, 2022, 136 Stat. 629.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117–103, § 7035(b)(6)(A), substituted “appropriate congressional committees” for “Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations”.

Subsec. (c). Pub. L. 117–103, § 7035(b)(6)(B), added pars. (1) and (2) and struck out text of former subsec. (c) which read as follows: “In the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.”

Subsec. (e). Pub. L. 117–103, § 7035(b)(6)(C), added subsec. (e).

2014—Subsec. (d)(5). Pub. L. 113–76 substituted “an individual is designated to receive United States training, equipment, or other types of assistance the individual's unit is vetted as well as the individual;” for “when vetting an individual for eligibility to receive United States training the individual's unit is also vetted;”.

2011—Subsec. (a). Pub. L. 112–74, § 7034(k)(2), substituted “information” for “evidence” and “a gross violation” for “gross violations”.

Subsec. (b). Pub. L. 112–74, § 7034(k)(3), substituted “steps” for “measures”.