

109TH CONGRESS
2D SESSION

H. R. 4681

To 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

FEBRUARY 1, 2006

Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. CANTOR, Mr. CHABOT, Mr. ACKERMAN, Mr. ENGEL, Mr. PENCE, Mr. WELLER, Ms. HARRIS, Mr. BURTON of Indiana, Mrs. MCCARTHY, Mr. CARDOZA, Mr. MACK, Ms. BEAN, Mr. CROWLEY, Mr. LYNCH, Mrs. JO ANN DAVIS of Virginia, Mr. CHANDLER, Mr. BROWN of South Carolina, Mr. MCCAUL of Texas, Mr. KING of New York, Mr. ISRAEL, Ms. BERKLEY, Mr. POE, Mr. ROYCE, Mrs. BLACKBURN, Mr. TANCREDO, Mr. SCHIFF, Mr. SHERMAN, and Mr. NADLER) introduced the following bill; which was referred to the Committee on International Relations, 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 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 of 2006”.

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

3 (a) DECLARATION OF POLICY.—It shall be the policy
4 of the United States to promote the emergence of a demo-
5 cratic Palestinian governing authority that—

6 (1) denounces and combats terrorism;

7 (2) has agreed to and is taking action to disarm
8 and dismantle any terrorist agency, network, or fa-
9 cility;

10 (3) has agreed to work to eliminate anti-Israel
11 and anti-Semitic incitement and the commemoration
12 of terrorists in Palestinian society;

13 (4) has agreed to respect the boundaries and
14 sovereignty of its neighbors;

15 (5) acknowledges, respects, and upholds the
16 human rights of all people;

17 (6) conducts free, fair, and transparent elec-
18 tions in compliance with international standards;

19 (7) ensures institutional and financial trans-
20 parency and accountability; and

21 (8) has agreed to recognize the State of Israel
22 as an independent, sovereign, Jewish, democratic
23 state.

24 (b) AMENDMENTS.—Chapter 1 of part III of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is
26 amended—

1 (1) by redesignating the second section 620G
2 (as added by section 149 of Public Law 104–164
3 (110 Stat. 1436)) as section 620J; and

4 (2) by adding at the end the following new sec-
5 tion:

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

8 “(a) LIMITATION.—Assistance may be provided
9 under this Act or any other provision of law to the Pales-
10 tinian 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 ministry, agency,
20 or instrumentality of the Palestinian Authority;

21 “(2) the Palestinian Authority has—

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

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

1 with the Government of the United States, the
2 Government of Israel, and the international
3 community, including agreements and under-
4 standings pursuant to the Performance-Based
5 Roadmap to a Permanent Two-State Solution
6 to the Israeli-Palestinian Conflict (commonly
7 referred to as the ‘Roadmap’); and

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

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

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

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

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

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

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

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

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

18 “(d) CONGRESSIONAL NOTIFICATION.—Assistance
19 made available under this Act or any other provision of
20 law to the Palestinian Authority may not be provided until
21 15 days after the date on which the President has pro-
22 vided notice thereof to the Committee on International Re-
23 lations and the Committee on Appropriations of the House
24 of Representatives and to the Committee on Foreign Rela-
25 tions and the Committee on Appropriations of the Senate

1 in accordance with the procedures applicable to re-
2 programming notifications under section 634A(a) of this
3 Act.

4 “(e) DEFINITIONS.—In this section:

5 “(1) FOREIGN TERRORIST ORGANIZATION.—

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

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

17 (c) REPORT BY COMPTROLLER GENERAL.—Not later
18 than 180 days after the date of the enactment of this Act,
19 the Comptroller General of the United States shall submit
20 to the appropriate congressional committees a report that
21 contains a review of the extent to which United States as-
22 sistance to the Palestinian Authority under the Foreign
23 Assistance Act of 1961 or any other provision of law is
24 properly audited by the Department of State, the United
25 States Agency for International Development, and all

1 other relevant departments and agencies of the Govern-
2 ment of the United States.

3 **SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK**
4 **AND GAZA.**

5 (a) AMENDMENT.—Chapter 1 of part III of the For-
6 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as
7 amended by section 2(b)(2) of this Act, is further amended
8 by adding at the end the following new section:

9 **“SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST**
10 **BANK AND GAZA.**

11 “(a) LIMITATION.—Assistance may be provided
12 under this Act or any other provision of law to nongovern-
13 mental organizations for the West Bank and Gaza only
14 during a period for which a certification described in sec-
15 tion 620K(b) of this Act is in effect with respect to the
16 Palestinian Authority.

17 “(b) EXCEPTIONS.—Subsection (a) shall not apply
18 with respect to the following:

19 “(1) ASSISTANCE TO MEET BASIC HUMAN
20 HEALTH NEEDS.—The provision of food, water,
21 medicine, sanitation services, or other assistance to
22 meet basic human health needs.

23 “(2) OTHER TYPES OF ASSISTANCE.—The pro-
24 vision of any other type of assistance if the Presi-
25 dent—

1 “(A) determines that the provision of such
2 assistance will further the national security in-
3 terests of the United States; and

4 “(B) not less than 45 days prior to the ob-
5 ligation of amounts for the provision of such as-
6 sistance—

7 “(i) consults with the appropriate con-
8 gressional committees regarding the spe-
9 cific programs, projects, and activities to
10 be carried out using such assistance; and

11 “(ii) submits to the appropriate con-
12 gressional committees a written memo-
13 randum that contains the determination of
14 the President under subparagraph (A).

15 “(3) DEFINITION.—In this subsection, the term
16 ‘appropriate congressional committees’ means—

17 “(A) the Committee on International Rela-
18 tions and the Committee on Appropriations of
19 the House of Representatives; and

20 “(B) the Committee on Foreign Relations
21 and the Committee on Appropriations of the
22 Senate.

23 “(c) MARKING REQUIREMENT.—Assistance provided
24 under this Act or any other provision of law to nongovern-
25 mental organizations for the West Bank and Gaza shall

1 be marked as assistance from the Government of the
2 United States unless the Administrator of the United
3 States Agency for International Development determines
4 that such marking will endanger the lives or safety of per-
5 sons delivering such assistance.

6 “(d) CONGRESSIONAL NOTIFICATION.—Assistance
7 made available under this Act or any other provision of
8 law to nongovernmental organizations for the West Bank
9 and Gaza may not be provided until 15 days after the date
10 on which the President has provided notice thereof to the
11 Committee on International Relations and the Committee
12 on Appropriations of the House of Representatives and to
13 the Committee on Foreign Relations and the Committee
14 on Appropriations of the Senate in accordance with the
15 procedures applicable to reprogramming notifications
16 under section 634A(a) of this Act.”.

17 (b) OVERSIGHT AND RELATED REQUIREMENTS.—

18 (1) OVERSIGHT.—For each of the fiscal years
19 2007 and 2008, the Secretary of State shall certify
20 to the appropriate congressional committees not
21 later than 30 days prior to the initial obligation of
22 amounts for assistance to nongovernmental organi-
23 zations for the West Bank or Gaza under the For-
24 eign Assistance Act of 1961 or any other provision
25 of law that procedures have been established to en-

1 sure that the Comptroller General of the United
2 States will have access to appropriate United States
3 financial information in order to review the use of
4 such assistance.

5 (2) VETTING.—Prior to any obligation of
6 amounts for each of the fiscal years 2007 and 2008
7 for assistance to nongovernmental organizations for
8 the West Bank or Gaza under the Foreign Assist-
9 ance Act of 1961 or any other provision of law, the
10 Secretary of State shall take all appropriate steps to
11 ensure that such assistance is not provided to or
12 through any individual or entity that the Secretary
13 knows, or has reason to believe, advocates, plans,
14 sponsors, engages in, or has engaged in, terrorist ac-
15 tivity. The Secretary shall, as appropriate, establish
16 procedures specifying the steps to be taken in car-
17 rying out this paragraph and shall terminate assist-
18 ance to any individual or entity that the Secretary
19 has determined advocates, plans, sponsors, or en-
20 gages in terrorist activity.

21 (3) PROHIBITION.—No amounts made available
22 for fiscal year 2007 or 2008 for assistance to non-
23 governmental organizations for the West Bank or
24 Gaza under the Foreign Assistance Act of 1961 or
25 any other provision of law may be made available for

1 the purpose of recognizing or otherwise honoring in-
2 dividuals who commit, or have committed, acts of
3 terrorism.

4 (4) AUDITS.—

5 (A) IN GENERAL.—The Administrator of
6 the United States Agency for International De-
7 velopment shall ensure that independent audits
8 of all contractors and grantees, and significant
9 subcontractors and subgrantees, that receive
10 amounts for assistance to nongovernmental or-
11 ganizations for the West Bank or Gaza under
12 the Foreign Assistance Act of 1961 or any
13 other provision of law, are conducted for each
14 of the fiscal years 2007 and 2008 to ensure,
15 among other things, compliance with this sub-
16 section.

17 (B) AUDITS BY INSPECTOR GENERAL OF
18 USAID.—Of the amounts available for each of
19 the fiscal years 2007 and 2008 for assistance to
20 nongovernmental organizations for the West
21 Bank or Gaza under the Foreign Assistance
22 Act of 1961 or any other provision of law, up
23 to \$1,000,000 for each such fiscal year may be
24 used by the Office of the Inspector General of
25 the United States Agency for International De-

1 velopment for audits, inspections, and other ac-
2 tivities in furtherance of the requirements of
3 subparagraph (A). Such amounts are in addi-
4 tion to amounts otherwise available for such
5 purposes.

6 **SEC. 4. UNITED NATIONS AGENCIES AND PROGRAMS.**

7 (a) DEPARTMENT OF STATE REVIEW AND RE-
8 PORT.—

9 (1) IN GENERAL.—Not later than 60 days after
10 the date of the enactment of this Act, the Secretary
11 of State shall—

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

14 (B) submit to the appropriate congres-
15 sional committees a report containing rec-
16 ommendations for the elimination of such dupli-
17 cative entities and efforts.

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

20 (A) The United Nations Division for Pales-
21 tinian Rights.

22 (B) The Committee on the Exercise of the
23 Inalienable Rights of the Palestinian People.

24 (C) The United Nations Special Coordi-
25 nator for the Middle East Peace Process and

1 Personal Representative to the Palestine Lib-
2 eration Organization and the Palestinian Au-
3 thority.

4 (D) The NGO Network on the Question of
5 Palestine.

6 (E) The Special Committee to Investigate
7 Israeli Practices Affecting the Human Rights of
8 the Palestinian People and Other Arabs of the
9 Occupied Territories.

10 (F) Any other entity the Secretary deter-
11 mines results in duplicative efforts or funding
12 or fails to ensure balance in the approach to
13 Israeli-Palestinian issues.

14 (b) IMPLEMENTATION OF RECOMMENDATIONS BY
15 PERMANENT REPRESENTATIVE.—

16 (1) IN GENERAL.—The President shall direct
17 the United States Permanent Representative to the
18 United Nations to use the voice, vote, and influence
19 of the United States at the United Nations to seek
20 the implementation of the recommendations con-
21 tained in the report required under subsection
22 (a)(1)(B).

23 (2) WITHHOLDING OF FUNDS.—Until such rec-
24 ommendations have been implemented, the United
25 States shall withhold from United States contribu-

(d) WITHHOLDING OF FUNDS WITH RESPECT TO THE PALESTINIAN AUTHORITY.—The United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for any United Nations affiliated or specialized agency that provides assistance directly to the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

24 It is the sense of Congress that, during any period
25 for which a certification described in section 620K(b) of

1 the Foreign Assistance Act of 1961 (as added by section
2 2(b)(2) of this Act) is not in effect with respect to the
3 Palestinian Authority, the territory controlled by the Pal-
4 estinian Authority should be deemed to be in use as a
5 sanctuary for terrorists or terrorist organizations for pur-
6 poses of section 6(j)(5) of the Export Administration Act
7 of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of
8 the Foreign Relations Authorization Act, Fiscal Years
9 1988 and 1989 (22 U.S.C. 2656f).

10 **SEC. 6. DENIAL OF VISAS FOR OFFICIALS OF THE PALES-**
11 **TINIAN AUTHORITY.**

12 (a) IN GENERAL.—A visa shall not be issued to any
13 alien who is an official of, affiliated with, or serving as
14 a representative of the Palestinian Authority during any
15 period for which a certification described in section
16 620K(b) of the Foreign Assistance Act of 1961 (as added
17 by section 2(b)(2) of this Act) is not in effect with respect
18 to the Palestinian Authority.

19 (b) WAIVER.—Subsection (a) shall not apply if the
20 President determines and certifies to the appropriate con-
21 gressional committees, on a case-by-case basis, that the
22 issuance of a visa to an alien described in such subsection
23 is vital to the national security interests of the United
24 States.

1 **SEC. 7. TRAVEL RESTRICTIONS ON OFFICIALS AND REP-**
2 **RESENTATIVES OF THE PALESTINIAN AU-**
3 **THORITY AND THE PALESTINE LIBERATION**
4 **ORGANIZATION STATIONED AT THE UNITED**
5 **NATIONS IN NEW YORK CITY.**

6 Notwithstanding any other provision of law, the
7 President shall restrict the travel of officials and rep-
8 resentatives of the Palestinian Authority and of the Pal-
9 estine Liberation Organization who are stationed at the
10 United Nations in New York City to a 25-mile radius of
11 the United Nations headquarters building during any pe-
12 riod for which a certification described in section 620K(b)
13 of the Foreign Assistance Act of 1961 (as added by section
14 2(b)(2) of this Act) is not in effect with respect to the
15 Palestinian Authority.

16 **SEC. 8. PROHIBITION ON PALESTINIAN AUTHORITY REP-**
17 **RESENTATION IN THE UNITED STATES.**

18 (a) PROHIBITION.—Notwithstanding any other provi-
19 sion of law, it shall be unlawful to establish or maintain
20 an office, headquarters, premises, or other facilities or es-
21 tablishments within the jurisdiction of the United States
22 at the behest or direction of, or with funds provided by,
23 the Palestinian Authority or the Palestine Liberation Or-
24 ganization during any period for which a certification de-
25 scribed in section 620K(b) of the Foreign Assistance Act

1 of 1961 (as added by section 2(b)(2) of this Act) is not
2 in effect with respect to the Palestinian Authority.

3 (b) ENFORCEMENT.—

4 (1) ATTORNEY GENERAL.—The Attorney Gen-
5 eral shall take the necessary steps and institute the
6 necessary legal action to effectuate the policies and
7 provisions of subsection (a).

8 (2) RELIEF.—Any district court of the United
9 States for a district in which a violation of sub-
10 section (a) occurs shall have authority, upon petition
11 of relief by the Attorney General, to grant injunctive
12 and such other equitable relief as it shall deem nec-
13 essary to enforce the provisions of subsection (a).

14 **SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS.**

15 (a) REQUIREMENT.—The President shall direct the
16 United States Executive Director at each international fi-
17 nancial institution to use the voice, vote, and influence of
18 the United States to prohibit assistance to the Palestinian
19 Authority during any period for which a certification de-
20 scribed in section 620K(b) of the Foreign Assistance of
21 1961 (as added by section 2(b)(2) of this Act) is not in
22 effect with respect to the Palestinian Authority.

23 (b) DEFINITION.—In this section, the term “inter-
24 national financial institution” has the meaning given the

1 term in section 1701(c)(2) of the International Financial
2 Institutions Act.

3 **SEC. 10. DIPLOMATIC CONTACTS WITH PALESTINIAN TER-**
4 **ROR ORGANIZATIONS.**

5 No funds authorized or available to the Department
6 of State or any other United States Government agency
7 may be used for or by any officer or employee of the
8 United States Government to negotiate, attend official
9 meetings, or have official contacts with members or official
10 representatives of Hamas, Palestinian Islamic Jihad, the
11 Popular Front for the Liberation of Palestine, al-Aqsa
12 Martyrs Brigade, or any other Palestinian terrorist orga-
13 nization, unless and until such organization—

14 (1) recognizes Israel’s right to exist;

15 (2) renounces the use of terrorism;

16 (3) dismantles the infrastructure necessary to
17 carry out terrorist acts, including the disarming of
18 militias and the elimination of all instruments of ter-
19 ror; and

20 (4) recognizes and accepts all previous agree-
21 ments and understandings between the State of
22 Israel and the Palestinian Authority.

23 **SEC. 11. DEFINITIONS.**

24 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on International Rela-
5 tions and the Committee on Appropriations of
6 the House of Representatives; and

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

10 (2) PALESTINIAN AUTHORITY.—The term “Pal-
11 estinian Authority” has the meaning given the term
12 in section 620K(e)(2) of the Foreign Assistance Act
13 of 1961 (as added by section 2(b)(2) of this Act).

○