
H.R.4681 Palestinian Anti-Terrorism Act of 2006

There are 3 versions of Bill Number H.R.4681 for the 109th Congress

- 1 . Palestinian Anti-Terrorism Act of 2006 (Introduced in House) [[H.R.4681.IH](#)]
- 2 . Palestinian Anti-Terrorism Act of 2006 (Reported in House) [[H.R.4681.RH](#)]
- 3 . Palestinian Anti-Terrorism Act of 2006 (Engrossed as Agreed to or Passed by House) [[H.R. 4681.EH](#)] [[see below](#)]

H.R.4681

Title: To promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes. **Sponsor:** [Rep Ros-Lehtinen, Ileana](#) [FL-18] (introduced 2/1/2006) [Cosponsors](#) (295)

Related Bills: [H.R.4668](#), [S.2237](#), [S.2370](#)

Latest Major Action: 5/23/2006 Passed/agreed to in House. Status: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 361 - 37, 9 Present (Roll no. 181).

House Reports: [109-462](#) Part 1, [109-462](#) Part 2

SUMMARY AS OF:

5/15/2006--Reported to House, amended, Part II. (There are 2 [other summaries](#).)

Palestinian Anti-Terrorism Act of 2006 - (Sec. 2) States that it shall be U.S. policy to: (1) support a two-state solution to the Israeli-Palestinian conflict; (2) oppose those organizations, individuals, and countries that support terrorism and violence; (3) urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas or a Hamas-controlled Palestinian Authority (PA) until Hamas agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Performance-Based Roadmap to a Permanent Two-State Solution to the Israel-Palestinian Conflict (Roadmap); (4) promote the emergence of a democratic Palestinian governing authority that denounces and combats terrorism, upholds human rights for all people, and has agreed to recognize Israel as an independent Jewish state; and (5) continue to support assistance to the Palestinian people.

Amends the the Foreign Assistance Act of 1961 to provide assistance under such Act or any other provision of law to the PA only during a period for which a presidential certification to Congress has determined that: (1) no PA ministry, agency, or instrumentality is controlled by a foreign terrorist organization and no member of a foreign terrorist organization serves in a senior policy making position in a PA ministry, agency, or instrumentality; (2) the PA has publicly acknowledged Israel's right to exist as a Jewish state, and is adhering to all previous agreements and understandings with the government of the United States, the government of Israel, and the international community, including the Roadmap; and (3) the PA has made demonstrable progress toward purging from its security services individuals with ties to terrorism, dismantling all terrorist infrastructure and cooperating with Israel's security services, halting anti-Israel incitement, and ensuring democracy and financial transparency.

Directs the President to make and transmit recertifications to Congress every six months (except for the first recertification which must be made within 90 days of the initial certification).

States that assistance to the PA may not be provided until 15 days after the date on which the President has provided notice to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate (Committees) in accordance with specified reprogramming notification provisions under such Act.

Exempts from such limitation, upon certification to Congress, assistance to: (1) independent Palestinian elections commissions whose members do not have ties with foreign terrorist organizations; or (2) the Office of the President of the PA, which may only be provided for non-security expenses related to facilitating a peaceful solution of the Israeli-Palestinian conflict, or for the personal security detail of the President of the PA.

Requires with respect to such exempted assistance that: (1) it be important to U.S. national security interests; and (2) the President consults with the Committees prior to obligating funds.

Applies such assistance limitations to the unexpended balances of funds obligated prior to enactment of this Act.

Requires a Government Accountability Office (GAO) report to Congress respecting auditing of assistance under such Act to the PA.

Expresses the sense of Congress that the President should be guided by such assistance limitation principles and procedures in providing direct assistance to the PA under any provision of law.

(Sec. 3) States that: (1) assistance may be provided under such Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification is in effect; and (2) such assistance shall be marked as assistance from the government of the United States unless the Secretary of State or the Administrator of the United States Agency for International Development (USAID) determines that such marking will endanger the persons delivering or receiving such assistance or would have an adverse effect on implementation of the assistance.

States that such assistance may not be provided until 15 days after the date on which the President has provided notice to the Committees in accordance with specified reprogramming notification provisions under such Act.

Exempts from such limitations: (1) assistance for basic human health needs; and (2) other assistance if in U.S. national interests, and the President consults with the Committees prior to fund obligations.

Requires that the Secretary, for FY2007 and FY 2008, certify to the Committees that GAO will have access to appropriate U.S. financial information in order to review assistance use.

Directs the Secretary to take steps prior to obligating funds to ensure such assistance is not provided to or through an individual or entity with terrorist ties.

Prohibits using such funds to recognize or honor individuals or the families of individuals who commit terrorism.

Sets forth auditing requirements.

Expresses the sense of Congress that the President should be guided by such assistance limitation principles and procedures in providing assistance to nongovernmental organizations for the West Bank and Gaza under any provision of law.

(Sec. 4) Directs the President to conduct an audit and report recommendations to the Committees respecting elimination of the following entities and efforts that are duplicative or fail to ensure a balanced U.N. approach to Israeli-Palestinian issues: (1) the United Nations Division for Palestinian Rights; (2) the Committee on the Exercise of the Inalienable Rights of the Palestinian People; (3) the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority; (4) the NGO Network on the Question of Palestine; (5) the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; and (6) any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

Directs: (1) the U.S. Permanent Representative to the United Nations to use U.S. influence to seek implementation of such report's recommendations; (2) that U.S. contributions to the U.N. regular assessed budget be withheld in amounts that are proportional to the percentage of such budget expended for such entities until such recommendations' implementation; and (3) GAO to conduct a related audit.

Authorizes the Secretary to withhold from U.S. 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 U.N. affiliated or specialized agency that provides assistance directly to the PA during any period for which a certification is not in effect.

(Sec. 5) Expresses the sense of Congress that during any period for which a certification is not in effect the PA-controlled territory should be deemed to be in use as a terrorist sanctuary for purposes of the Export Administration Act of 1979 and the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.

(Sec. 6) Prohibits during any period in which a certification is not in effect visa issuance to any alien who is an official of, affiliated with, or serving as a PA representative, unless: (1) the President certifies to the Committees, on a case-by-case basis, that the visa issuance is important to U.S. national security interests; or (2) in connection with U.S. obligations under the United Nations Headquarters Agreement Act.

(Sec. 7) Prohibits during any period in which a certification is not in effect travel outside of a 25-mile radius of the U.N. headquarters building for officials and representatives of the PA and of the Palestine Liberation Organization (PLO) who are stationed at the United Nations in New York City.

(Sec. 8) Prohibits during any period in which a certification is not in effect establishment of an office, headquarters, premises, or other facilities within U.S. jurisdiction at the direction of, or with funds provided by, the PA or the PLO.

Provides that: (1) the Attorney General shall enforce such provisions, including steps to apply such provisions to the Permanent Observer Mission of Palestine to the United Nations; and (2) any U.S. district court in which a violation occurs shall have authority to grant injunctive and other equitable relief.

Authorizes the President to: (1) waive such prohibition for 180 days upon certification to the Committees that such waiver is vital to U.S. national security interests; and (2) renew the waiver for successive 180-day periods upon a certification for each such period.

(Sec. 9) States that it shall be U.S. policy that the U.S. executive director at each international financial institution use U.S. influence to prohibit assistance to the PA during any period that a certification is not in effect.

(Sec. 10) States that it shall be U.S. policy that no U.S. government officer or employee shall negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, until such organization: (1) recognizes Israel's right to exist; (2) renounces the use of terrorism; (3) dismantles the infrastructure necessary to carry out terrorist acts, including disarming militias and elimination of all terror instruments; and (4) recognizes and accepts all previous Israel-PLO agreements and understandings.

(Sec. 11) Defines "appropriate congressional committees" and "Palestinian Authority" for purposes of this Act.

MAJOR ACTIONS: *nID*

2/1/2006 Introduced/originated in House

5/11/2006 Reported (Amended) by the Committee on International Relations. H. Rept. [109-462](#), Part I.

5/15/2006 Reported (Amended) by the Committee on Judiciary. H. Rept. [109-462](#), Part II.

5/15/2006 Committee on Financial Services discharged.

5/23/2006 Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 361 - 37, 9 Present ([Roll no. 181](#)).

ALL ACTIONS:

2/1/2006:

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.

2/1/2006:

Referred to House International Relations

4/6/2006:

Committee Consideration and Mark-up Session Held.

4/6/2006:

Ordered to be Reported (Amended) by the Yeas and Nays: 36 - 2.

2/1/2006:

Referred to House Judiciary

5/10/2006:

Committee Consideration and Mark-up Session Held.

5/10/2006:

Ordered to be Reported (Amended) by Voice Vote.

2/1/2006:

Referred to House Financial Services

3/21/2006:

Referred to the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology.

5/11/2006 7:17pm:

Reported (Amended) by the Committee on International Relations. H. Rept. [109-462](#), Part I.

5/11/2006 7:18pm:

House Committee on Judiciary Granted an extension for further consideration ending not later than May 15, 2006.

5/11/2006 7:18pm:

House Committee on Financial Services Granted an extension for further consideration ending not later than May 15, 2006.

5/15/2006 5:56pm:

Reported (Amended) by the Committee on Judiciary. H. Rept. [109-462](#), Part II.

5/15/2006 5:56pm:

Committee on Financial Services discharged.

5/15/2006 5:56pm:

Placed on the Union Calendar, Calendar No. 258.

5/22/2006 7:09pm:

Ms. Ros-Lehtinen moved to suspend the rules and pass the bill, as amended.

5/22/2006 7:09pm:

Considered under suspension of the rules. (consideration: CR [H2990-3012](#); text of measure as introduced: CR [H2990-2992](#))

5/22/2006 9:56pm:

At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed until May 23.

5/23/2006 11:50am:

Considered as unfinished business.

5/23/2006 11:57am:

On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 361 - 37, 9 Present ([Roll no. 181](#)).

5/23/2006 11:57am:

Motion to reconsider laid on the table Agreed to without objection.

TITLE(S): (*italics indicate a title for a portion of a bill*)

- SHORT TITLE(S) AS INTRODUCED:
Palestinian Anti-Terrorism Act of 2006
- SHORT TITLE(S) AS REPORTED TO HOUSE:
Palestinian Anti-Terrorism Act of 2006
- OFFICIAL TITLE AS INTRODUCED:
To promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

RELATED BILL DETAILS: (additional related bills may be identified in Status)

Bill:

[H.R.4668](#)

[S.2237](#)

[S.2370](#)

Relationship:

Related bill identified by CRS

Related bill identified by CRS

Related bill identified by CRS

H.R.4681

Palestinian Anti-Terrorism Act of 2006 (Engrossed as Agreed to or Passed by House)

HR 4681 EH

109th CONGRESS

2d Session

H. R. 4681

AN ACT

To promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled ,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Palestinian Anti-Terrorism Act of 2006'.

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

(a) Declaration of Policy- It shall be the policy of the United States--

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap');

(2) to oppose those organizations, individuals, and countries that support terrorism and violence;

(3) to urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas or a Hamas-controlled Palestinian Authority until Hamas agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap;

(4) to promote the emergence of a democratic Palestinian governing authority that--

(A) denounces and combats terrorism;

(B) has agreed to and is taking action to disarm and dismantle any terrorist agency, network, or facility;

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

(D) has agreed to respect the sovereignty of its neighbors;

(E) acknowledges, respects, and upholds the human rights of all people;

(F) implements the rule of law, good governance, and democratic practices, including conducting free, fair, and transparent elections in compliance with international standards;

(G) ensures institutional and financial transparency and accountability; and

(H) has agreed to recognize the State of Israel as an independent, sovereign, Jewish, democratic state; and

(5) to continue to support assistance to the Palestinian people.

(b) Amendments- Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended--

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

(2) by adding at the end the following new section:

' SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

' (a) Limitation- Except as provided in subsection (e), assistance may be provided under this Act to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

' (b) Certification- A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that--

' (1) no ministry, agency, or instrumentality of the Palestinian Authority is controlled by a foreign terrorist organization and no member of a foreign terrorist organization serves in a senior policy making position in a ministry, agency, or instrumentality of the Palestinian Authority;

' (2) the Palestinian Authority has--

' (A) publicly acknowledged Israel's right to exist as a Jewish state; and

' (B) recommitted itself and is adhering to all previous agreements and understandings by the Palestine Liberation Organization and the Palestinian Authority with the Government of the United States, the Government of Israel, and the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

' (3) the Palestinian Authority has taken effective steps and made demonstrable progress toward--

` (A) completing the process of purging from its security services individuals with ties to terrorism;

` (B) dismantling all terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

` (C) halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

` (D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

` (E) ensuring the financial transparency and accountability of all government ministries and operations.

` (c) Recertifications- Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter--

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

` (2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

` (d) Congressional Notification- Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

` (e) Exceptions-

` (1) IN GENERAL- Subsection (a) shall not apply with respect to the following:

` (A) ASSISTANCE TO INDEPENDENT ELECTIONS COMMISSIONS- Assistance to any Palestinian independent election commission if the President transmits to Congress a certification that contains a determination of the President that--

` (i) no member of such commission is a member of, affiliated with, or appointed by a foreign terrorist organization; and

` (ii) each member of such commission is independent of the influence of any political party or movement.

` (B) ASSISTANCE TO SUPPORT THE MIDDLE EAST PEACE PROCESS- Assistance to the Office of the President of the Palestinian Authority for non-security expenses directly related to facilitating a peaceful resolution of the Israeli-Palestinian conflict or for the personal security detail of the President of the Palestinian Authority if the President transmits to Congress a certification that contains a determination of the President that--

` (i) such assistance is critical to facilitating a peaceful resolution of the Israeli-Palestinian conflict;

` (ii) the President of the Palestinian Authority is not a member of or affiliated with a foreign terrorist organization and has rejected the use of terrorism to resolve the Israeli-Palestinian conflict;

` (iii) such assistance will not be used to provide funds to any individual who is a member of or affiliated with a foreign terrorist organization or who has not rejected the use of terrorism to resolve the Israeli-Palestinian conflict; and

` (iv) such assistance will not be retransferred to any other entity within or outside of the Palestinian Authority except as payment for legal goods or services rendered.

` (2) ADDITIONAL REQUIREMENTS- Assistance described in paragraph (1) may be provided only if the President--

` (A) determines that the provision of such assistance is important to the national security

interests of the United States; and

` (B) not less than 30 days prior to the obligation of amounts for the provision of such assistance-

` (i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

` (ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

` (3) DEFINITION- In this subsection, the 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.

` (f) Definitions- In this section:

` (1) 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 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

` (2) PALESTINIAN AUTHORITY- The term ` Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.'

(c) Applicability to Unexpended Funds- Section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), applies with respect to unexpended funds obligated for assistance under the Foreign Assistance Act of 1961 to the Palestinian Authority before the date of the enactment of this Act.

(d) Report by Comptroller General- Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains a review of the proposed procedures by which United States assistance to the Palestinian Authority under the Foreign Assistance Act of 1961 will be audited by the Department of State, the United States Agency for International Development, and all other relevant departments and agencies of the Government of the United States and any recommendations for improvement of such procedures.

(e) Sense of Congress- It is the sense of Congress that the President should be guided by the principles and procedures described in section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), in providing direct assistance to the Palestinian Authority under any provision of law other than the Foreign Assistance Act of 1961.

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

(a) Amendment- Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2) of this Act, is further amended by adding at the end the following new section:

` SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

` (a) Limitation- Except as provided in subsection (d), assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) of this Act is in effect with respect to the Palestinian Authority.

` (b) Marking Requirement- Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the Government of the United States unless the Secretary of State or the Administrator of the United States Agency for International Development determines that such marking will endanger the lives or safety of persons delivering or receiving such assistance or would have a material adverse effect on the implementation of such assistance.

` (c) Congressional Notification- Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

` (d) Exceptions- Subsection (a) shall not apply with respect to the following:

` (1) ASSISTANCE TO MEET BASIC HUMAN HEALTH NEEDS- The provision of food, water, medicine,

sanitation services, or other assistance to directly meet basic human health needs.

` (2) OTHER TYPES OF ASSISTANCE- The provision of any other type of assistance if the President--

` (A) determines that the provision of such assistance will further the national security interests of the United States; and

` (B) not less than 25 days prior to the obligation of amounts for the provision of such assistance-

` (i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

` (ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A) and an explanation of how failure to provide the proposed assistance would be inconsistent with furthering the national security interests of the United States.

` (3) DEFINITION- In this subsection, the 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.'

(b) Oversight and Related Requirements-

(1) OVERSIGHT- For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING- Prior to any obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION- No amounts made available for any fiscal year for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals or the families of individuals who commit, or have committed, acts of terrorism.

(4) AUDITS-

(A) IN GENERAL- The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID- Of the amounts available for any fiscal year for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to \$1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

(c) Sense of Congress- It is the sense of Congress that the President should be guided by the principles and procedures described in section 620L of the Foreign Assistance Act of 1961, as added by subsection (a), in providing assistance to nongovernmental organizations for the West Bank and Gaza under any provision of law other than the Foreign Assistance Act of 1961.

SEC. 4. UNITED NATIONS AGENCIES AND PROGRAMS.

(a) Review and Report-

(1) IN GENERAL- Not later than 60 days after the date of the enactment of this Act, the President shall--

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

(B) transmit to the appropriate congressional committees a report containing recommendations for the elimination of such entities and efforts that are duplicative or fail to ensure balance in the approach of the United Nations to Israeli-Palestinian issues.

(2) ENTITIES SPECIFIED- The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

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

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

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

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

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli- Palestinian issues.

(b) Implementation of Recommendations by Permanent Representative-

(1) IN GENERAL- The United States Permanent Representative to the United Nations shall use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(2) WITHHOLDING OF FUNDS- Until the President certifies to the Congress that such recommendations have been implemented, the Secretary of State should 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 such entities.

(c) GAO Audit- The Comptroller General shall conduct an audit of the status of the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(d) Withholding of Funds With Respect to the Palestinian Authority-

(1) ASSESSED CONTRIBUTIONS- The Secretary of State should withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are equal to the amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority.

(2) VOLUNTARY CONTRIBUTIONS- The Secretary of State shall withhold from United States contributions to the voluntary budget of the United Nations for a biennial period amounts that are equal to the amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority.

(3) DEFINITION- For the purposes of this section, the term `amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority' does not include--

(A) amounts expended 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 in effect with respect to the Palestinian Authority; or

(B) amounts expended for assistance of the type of assistance described in section 104(c), 104A, 104B, or 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b, 2151b-2, 2151b-3, or 2151b-4) and which would, if provided by the Government of the United States, be permitted under such sections, or under chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) to carry out the purposes of such sections, by reason of the application of section 104(c)(4) of such Act.

SEC. 5. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, 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, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 6. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) In General- A visa shall not be issued to any alien who is an official of, affiliated with, or serving as a representative of 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.

(b) Waiver- Subsection (a) shall not apply--

(1) if the President determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to an alien described in such subsection is important to the national security interests of the United States; or

(2) with respect to visas issued in connection with United States obligations under the Act of August 4, 1947 (61 Stat. 756) (commonly known as the 'United Nations Headquarters Agreement Act').

SEC. 7. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

The President shall restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building 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.

SEC. 8. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) Prohibition- Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority or the Palestine Liberation Organization 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.

(b) Enforcement-

(1) ATTORNEY GENERAL- The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a), including steps necessary to apply the policies and provisions of subsection (a) to the Permanent Observer Mission of Palestine to the United Nations.

(2) RELIEF- Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) Waiver-

(1) AUTHORITY- The President may waive the application of subsection (a) for a period of 180 days if the President determines and certifies to the appropriate congressional committees that such waiver--

(A) is vital to the national security interests of the United States and provides an explanation of how the failure to waive the application of subsection (a) would be inconsistent with the vital national security interests of the United States; and

(B) would further the achievement of the requirements outlined in the certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

(2) RENEWAL- The President may renew the waiver described in paragraph (1) for successive 180-day periods if the President makes the determination and certification described in such paragraph for each such period.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) United States Policy- It shall be the policy of the United States that the United States Executive Director at each international financial institution shall use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority unless a certification described in subsection (b) is in effect with respect to the Palestinian Authority.

(b) Certification- A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that the requirements of paragraphs (1), (2), and (3) (A), (B), (C), and (E) of section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) are being met by the Palestinian Authority.

(c) Definition- In this section, the term `international financial institution' has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act.

SEC. 10. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

It shall be the policy of the United States that no officer or employee of the United States Government shall negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, unless and until such organization--

- (1) recognizes Israel's right to exist;
- (2) renounces the use of terrorism;
- (3) dismantles the infrastructure necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and
- (4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestine Liberation Organization and the Palestinian Authority.

SEC. 11. DEFINITIONS.

In this Act:

- (1) APPROPRIATE CONGRESSIONAL COMMITTEES- The 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) PALESTINIAN AUTHORITY- The term `Palestinian Authority' has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

Passed the House of Representatives May 23, 2006.

Attest:

Clerk.

109th CONGRESS

2d Session

H. R. 4681

AN ACT

To promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.