

**Comparison of HR 4681 and S. 2370
The “Palestinian Anti-Terrorism Act of 2006”**

Prepared by Americans for Peace Now

(All bill language copied directly from the bills,
as passed by the House and Senate).

Issue	HR 4681 (passed by the House May 23, 2006)	S. 2370 (passed by the Senate June 23, 2006)	Comment
<p>Declaration of Policy</p>	<p>It shall be the policy of the United States--</p> <p>(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');</p> <p>(2) to oppose those organizations, individuals, and countries that support terrorism and violence;</p> <p>(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;</p> <p>(4) to promote the emergence of a democratic Palestinian governing authority that--</p> <p>(A) denounces and combats terrorism;</p> <p>(B) has agreed to and is taking action to disarm and dismantle any terrorist agency, network, or facility;</p> <p>(C) has agreed to work to eliminate anti-Israel and anti-Semitic incitement and the commemoration of terrorists in Palestinian society;</p> <p>(D) has agreed to respect the sovereignty of its neighbors;</p> <p>(E) acknowledges, respects, and upholds the human rights of all people;</p> <p>(F) implements the rule of law, good governance, and democratic practices, including conducting free, fair, and transparent elections in compliance with international standards;</p> <p>(G) ensures institutional and financial transparency and accountability; and</p> <p>(H) has agreed to recognize the State of Israel as an independent, sovereign, Jewish, democratic state; and</p> <p>(5) to continue to support assistance to the Palestinian people.</p>	<p>It shall be the policy of the United States--</p> <p>(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');</p> <p>(2) to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;</p> <p>(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and</p> <p>(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.</p>	<p>In this non-binding section of the bill, both the House and Senate versions articulate a vision of U.S. policy regarding the Israeli-Palestinian conflict.</p> <p>The House version includes lengthy, specific, and far-reaching requirements for Palestinian reform, while the Senate takes a much more restrained, focused approach.</p>

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<p>Ban on direct assistance to the PA (certification described below)</p>	<p>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.</p>	<p>Assistance may be provided under this Act to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.</p>	<p>The Senate version explicitly focuses this limitation – and the entire certification process – on Hamas, by specifying that the limitation applies to the “Hamas-controlled Palestinian Authority” (rather than just “the Palestinian Authority,” as stated in the House version). Thus, under the Senate version, if Hamas is not controlling the PA, the certification that is the basis for all of the sanctions in the bill is not required and, by extension, none of the bill’s other sanctions are triggered (this is, in effect, a “sunset clause”).</p>
<p>Certification Requirements</p>	<p><i>Both the House and Senate versions articulate a broad certification requirement that is the basis for all or most of the sanctions that follow.</i></p>		
<p>Certification requirements (related to Hamas and the election results)</p>	<p>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</p>	<p>A certification described in subsection (a) 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 effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has-- ` (A) publicly acknowledged the Jewish state of Israel's right to exist; and ` (B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with 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</p>	<p>The Senate version focuses much more clearly on Hamas than the House version, and invokes a more reasonable standard focused on whether Hamas is in control of any part of the PA, rather than on whether any Hamas member is serving in the PA.</p> <p>The Senate version also makes clear that the certification requirements apply ONLY if the first requirement is not met (i.e., if Hamas is not in control, no certification is required – indicated by the word “unless”), and provides incentive for Hamas to reform by stating clearly that if Hamas is in control of any of the PA, the certification can still be satisfied if Hamas takes the required steps (under the House version, the presence of Hamas in the PA means that the certification cannot be met, regardless of any reforms taken).</p> <p>The Senate version reframes the requirement regarding recognition of Israel, invoking a formula that is more reasonable and generally consistent with the standard used in the past in demanding recognition of Israel by other states.</p>

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<p>Certification requirements (unrelated to Hamas and the election results)</p>	<p>(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.</p>	<p>The Hamas-controlled Palestinian Authority has made demonstrable progress toward-- `(A) completing the process of purging from its security services individuals with ties to terrorism; `(B) dismantling all terrorist infrastructure within its jurisdiction, 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-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, 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.</p>	<p>Both the House and Senate include (virtually identical) benchmarks that are unrelated to the recent victory of Hamas in the elections.</p> <p>The Senate version improves this section by linking these reform requirements explicitly to Hamas (by referring to the “Hamas-controlled Palestinian Authority,” rather than just the “Palestinian Authority,” as stipulated by the House), reinforcing the clear intent that if Hamas is not in controlling the PA, the certification does not apply.</p> <p>As noted in previous analyses, many of these benchmarks represent reforms that Fatah was not able to achieve in more than a decade in power. Important as these reforms may be, neither the U.S. nor Israel has ever considered them a prerequisite for engaging with the PA. Moreover, the PA – under any leadership – will likely be unable to meet these requirements in the short- or medium term, and outside the context of progress towards a peace agreement.</p>

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<p>Exceptions/ Waiver Authority</p>	<p>Exceptions-</p> <p>“(1) IN GENERAL- Subsection (a) shall not apply with respect to the following:</p> <p>“(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--</p> <p>“(i) no member of such commission is a member of, affiliated with, or appointed by a foreign terrorist organization; and</p> <p>“(ii) each member of such commission is independent of the influence of any political party or movement.</p> <p>“(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--</p> <p>“(i) such assistance is critical to facilitating a peaceful resolution of the Israeli-Palestinian conflict;</p> <p>“(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;</p> <p>“(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</p> <p>“(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.</p> <p>“(2) ADDITIONAL REQUIREMENTS- Assistance described in paragraph (1) may be provided only if the President--</p> <p>“(A) determines that the provision of such assistance is important to the national security interests of the United States; and</p> <p>“(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance--</p> <p>“(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and</p> <p>“(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).</p>	<p>National Security Waiver-</p> <p>“(1) IN GENERAL- Subject to paragraph (2), the President may waive subsection (a) with respect to--</p> <p>“(A) the administrative and personal security costs of the Office of the President of the Palestinian Authority;</p> <p>“(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and</p> <p>“(C) assistance for the judiciary branch of the Palestinian Authority and other entities.</p> <p>“(2) CERTIFICATION- The President may only exercise the waiver authority under paragraph (1) after--</p> <p>“(A) consulting with, and submitting a written policy justification to, the appropriate congressional committees; and</p> <p>“(B) certifying to the appropriate congressional committees that--</p> <p>“(i) it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and</p> <p>“(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.</p> <p>“(3) REPORT- Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.</p> <p>“(4) TREATMENT OF CERTIFICATION AS NOTIFICATION OF PROGRAM CHANGE- For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 634A and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.</p>	<p>House: The House includes limited exceptions for independent elections commissions and support for the office of the President of the PA. The exceptions include extensive certification requirements, including, in the case of the PA President, certifying that the President is not affiliated with a foreign terrorist organization (raising the question of whether the certification could be made if some sort of unity government or jointly agreed-upon technocrat government were established), and certifying that the assistance is important to the national security interests of the US.</p> <p>Senate: The Senate includes much broader exceptions with regard to assistance to the President of the PA, including provision of assistance to help the President “maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law.” The Senate also provides an exception for “assistance for the judiciary branch of the Palestinian Authority and other entities.” Like the House, the Senate requires the President to invoke the national security interests of the U.S. to use the waiver. The Senate requires, in addition, that the recipient or beneficiary of the aid not be a member of or controlled by Hamas – a very different requirement than the one laid out by the House.</p> <p>The two bills lay out different timelines in terms of advance notification to and consultation with Congress, with the House stipulating 30 days advance notice, and the Senate invoking a process called a “notification of program change,” under which Congress has a period of time after such notification to consider the Administration’s proposed plans.</p>

Issue	HR 4681 (passed by the House May 23, 2006)	S. 2370 (passed by the Senate June 23, 2006)	Comment
Unexpended funds	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.	Previously Obligated Funds- The provisions of section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), shall be applicable to the unexpended balances of funds obligated prior to the date of the enactment of this Act.	Both bills make clear that congressional intent is for the provisions of these bills to apply to unexpended balances previously appropriated for assistance for the West Bank and Gaza.
Report	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.	<i>None.</i>	The House demands this additional report. Given the extensive reporting, auditing, and vetting requirements already in place for the West Bank/Gaza program, and considering that the FY07 ForOps bill includes no funding for this program, the reporting requirements seems both redundant and excessive.
Sense of Congress	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.	<i>None.</i>	The original version of the House bill sought to ban assistance to the PA from ALL funding sources, referring to assistance “provided under this Act [meaning the Foreign Assistance Act, as amended by this bill] or any other provision of law.” The bill, as passed by the House, was changed to apply the limitation only to the Foreign Assistance Act, while adding this Sense of Congress to make clear House intent that no assistance should be provided from any other source, either. The Senate version, from the outset, only dealt with the Foreign Assistance Act, and includes no similar Sense of Congress.
Definitions specific to this bill	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.	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.'	Both bills inexplicably and explicitly extend sanctions to not only Hamas members but to all elected members of the PLC, including those who oppose violence, recognize Israel, and support a two-state solution. The Senate mitigates this later in the bill by explicitly exempting non-Hamas PLC members from specific sanctions.

Issue	HR 4681 (passed by the House May 23, 2006)	S. 2370 (passed by the Senate June 23, 2006)	Comment
Limitation on Aid to the West Bank and Gaza	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.	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) is in effect with respect to the Palestinian Authority.	Both bills ban aid in general for the West Bank and Gaza. The Senate bill mitigates this by effectively nullifying the overall certification requirement (earlier in the bill) in the event that Hamas is not in control of the PA.
Exceptions and Waiver Authority	<p>Subsection (a) shall not apply with respect to the following:</p> <p>`(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.</p> <p>`(2) OTHER TYPES OF ASSISTANCE- The provision of any other type of assistance if the President--</p> <p>`(A) determines that the provision of such assistance will further the national security interests of the United States; and</p> <p>`(B) not less than 25 days prior to the obligation of amounts for the provision of such assistance--</p> <p>`(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and</p> <p>`(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.</p>	<p>Exceptions- Subsection (a) shall not apply with respect to the following:</p> <p>`(1) ASSISTANCE TO MEET BASIC HUMAN NEEDS- Assistance to meet food, water, medicine, health, or sanitation needs, or other assistance to meet basic human needs.</p> <p>`(2) ASSISTANCE TO PROMOTE DEMOCRACY- Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or any other foreign terrorist organization.</p> <p>`(3) ASSISTANCE FOR INDIVIDUAL MEMBERS OF THE PALESTINIAN LEGISLATIVE COUNCIL- Assistance, other than funding of salaries or salary supplements, to individual members of the Palestinian Legislative Council who the President determines are not members of Hamas or any other foreign terrorist organization, for the purposes of facilitating the attendance of such members in programs for the development of institutions of democratic governance, including enhancing the transparent and accountable operations of such institutions, and providing support for the Middle East peace process.</p> <p>`(4) OTHER TYPES OF ASSISTANCE- Any other type of assistance if the President--</p> <p>`(A) determines that the provision of such assistance is in the national security interest of the United States; and</p> <p>`(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance--</p> <p>`(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and</p> <p>`(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).</p>	<p>House: A very narrow exception is included for “basic human health needs,” defined explicitly and narrowly in the bill.</p> <p>Senate: A much broader exception is included for “basic human needs.” The Senate also provides a broad exception for assistance to promote democracy and other key goals and reforms, as well as an exception to allow assistance for non-Hamas members of the PLC for specific programs and projects.</p> <p>Both the House and Senate provide (similar but not identical) general exceptions for “other types of assistance.” This exception requires the President to invoke the national security interests of the US and to engage in extensive consultation with Congress.</p>

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Marking Requirements	` (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) Marking Requirement- Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the American people or the United States Government unless the Secretary of State or, as appropriate, the Administrator of the United States Agency for International Development, determines that such marking will endanger the lives or safety of persons delivering such assistance or would have an adverse effect on the implementation of that assistance.	Nearly identical language (no substantive difference).
Congressional Notification	` (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) 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.	Nearly identical language (no substantive difference).
Oversight, vetting, etc.	<i>Both bills include nearly identical language stipulating oversight and vetting requirements for any assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, prohibiting funding that recognizes/honors people or the families of people involved in terrorism, and requiring audits of all contractors, grantees, and significant subcontractors for West Bank/Gaza programs (and authorizing funds to carry out these audits).</i>		Nearly identical language (no substantive difference).
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.	<i>None.</i>	The original version of the House bill sought to ban assistance to West Bank and Gaza from ALL funding sources, referring to assistance “provided under this Act [meaning the Foreign Assistance Act, as amended by this bill] or any other provision of law.” The bill, as passed by the House, was changed to apply the limitation only to the Foreign Assistance Act, while adding this Sense of Congress to make clear House intent that no assistance should be provided from any other source, either. The Senate version, from the outset, only dealt with the Foreign Assistance Act, and includes no similar Sense of Congress.

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<p>UN Reform</p>	<p>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.</p>	<p><i>None.</i></p>	<p>The Senate bill wisely omits this provision, which is entirely unrelated to Hamas or the elections.</p>

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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).		Both versions include this non-binding Sense of Congress. If the language were viewed as binding by the Administration it would threaten private sector projects and cooperation.
Extraneous provisions	<i>Both versions include numerous extraneous provisions that would have no impact on Hamas and instead, perversely, would undermine Palestinian moderates and make it harder for the U.S. to talk to those Palestinians who reject violence, recognize Israel, and support a two-state solution.</i>		
Denial of Visas for Palestinian Officials	<p>(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.</p> <p>(b) Waiver- Subsection (a) shall not apply--</p> <p>(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</p> <p>(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').</p>	<p>(a) In General- Except as provided in subsection (b), a visa should not be issued to any alien who is an official of, under the control of, or serving as a representative of the Hamas-led 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.</p> <p>(b) Exception- The restriction under subsection (a) should not apply to--</p> <p>(1) the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization; and</p> <p>(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.</p>	<p>House: The House imposes a mandatory ban on visas for anyone affiliated with the PA (which, according to the definition included earlier in the bill, includes non-Hamas members of the PLC). It includes case-by-case Presidential waiver authority, as well as an exception for Palestinian representatives to the UN (consistent with US legal obligations as host to the UN Headquarters).</p> <p>Senate: The Senate imposes a discretionary (non-mandatory) restriction on visas, and focuses the restriction clearly on Hamas (by referring to the Hamas-led PA, rather than just the PA). It also includes exceptions are included for the President of the PA and his/her personal representatives, and non-Hamas members of the PLC.</p> <p>It should be recalled that members of Hamas and other foreign terrorist organizations are already barred by U. S. law from obtaining visas.</p>
Travel Restrictions on Palestinians at the UN	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.	<p>(a) In General- Notwithstanding any other provision of law, and except as provided in subsection (b), the President should 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.</p> <p>(b) Exception- The travel restrictions described in subsection (a) should not apply to the President of the Palestinian Authority and his or her personal representatives, provided that the President and his or her personal representatives are not affiliated with Hamas or any other foreign terrorist organization.</p>	<p>House: The House includes a mandatory restriction on the movements of Palestinian officials at the UN (akin to the restrictions on officials from North Korea).</p> <p>Senate: The Senate imposes a discretionary (non-mandatory) restriction on the movements of Palestinian officials at the UN, with an exception for the PA president and his/her personal representatives.</p> <p>It should be recalled that under the terms of agreements signed with Israel, the PA does not maintain international diplomatic relations. The PA thus is not represented at the UN – only the PLO is. This provision would only impact the PLO, which is not a foreign terrorist organization, recognizes Israel, and of which Hamas is not a member.</p>

Issue	HR 4681 (passed by the House May 23, 2006)	S. 2370 (passed by the Senate June 23, 2006)	Comment
<p>Prohibition on Palestinian Representation in the U.S.</p>	<p>(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.</p> <p>(b) Enforcement-</p> <p>(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.</p> <p>(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).</p> <p>(c) Waiver-</p> <p>(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--</p> <p>(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</p> <p>(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).</p> <p>(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.</p>	<p>(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 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.</p> <p>(b) Enforcement-</p> <p>(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).</p> <p>(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).</p> <p>(c) Waiver- Subsection (a) shall not apply if the President determines and certifies to the appropriate congressional committees that the establishment or maintenance of an office, headquarters, premises, or other facilities is vital to the national security interests of the United States.</p>	<p>House: The House imposes a mandatory ban on Palestinian representation – by either the PA or the PLO – in the U.S. An amendment added in the Judiciary Committee extended the ban to Palestinian Permanent Observer Mission of to the UN – in direct contradiction to the previous two provisions (which include special exceptions for the UN mission, consistent with US legal obligations as the host country of UN headquarters). The House includes a President national security waiver of the ban, renewable every 180 days.</p> <p>Senate: The Senate imposes a mandatory ban on Palestinian Authority (but not PLO) representation in the United States. The Senate does not include any language barring the operation of the Palestinian Permanent Observer Mission of to the UN. The Senate provides the President with a broad, open-ended national security waiver.</p>

Issue	HR 4681 (passed by the House May 23, 2006)	S. 2370 (passed by the Senate June 23, 2006)	Comment
<p>Palestinian support from International Financial Institutions</p>	<p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>(a) Requirement- The President should direct the United States Executive Director at each international financial institution to use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority (other than assistance described under subsection (b)) during any period for which a certification described in section 620K(b) of the Foreign Assistance of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.</p> <p>(b) Exceptions- The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:</p> <p>(1) Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.</p> <p>(2) Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.</p> <p>(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 (22 U.S.C. 262r(c)(2)).</p>	<p>House: The House provision is a mandatory requirement that the US to seek to block all aid to the PA from international financial institutions.</p> <p>Senate: The House includes a discretionary (non-mandatory) provision stating that the President should seek to block some, but not all, aid to the PA. Permitted aid is stipulated as assistance for basic human needs and assistance to promote democracy and other key reforms (consistent with exceptions stipulated earlier in the bill).</p>
<p>“Diplomatic Contacts” with Palestinian terrorist organizations</p>	<p>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--</p> <p>(1) recognizes Israel's right to exist;</p> <p>(2) renounces the use of terrorism;</p> <p>(3) dismantles the infrastructure necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and</p> <p>(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestine Liberation Organization and the Palestinian Authority.</p>	<p>No funds authorized or available to the Department of State may be used for or by any officer or employee of the United States Government to negotiate 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 (except in emergency or humanitarian situations), unless and until such organization--</p> <p>(1) recognizes Israel's right to exist;</p> <p>(2) renounces the use of terrorism;</p> <p>(3) dismantles the infrastructure in areas within its jurisdiction necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and</p> <p>(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.</p>	<p>House: The House includes this statement of policy (advisory and not legally binding) barring contacts between U.S. officials/employees and Hamas (or any other designated foreign terrorist organization). The prohibition is so broad as to potentially impact even the ability of the U.S. to carry out vital intelligence operations.</p> <p>Senate: A more focused (mandatory) ban on the use of Department of State funding for contacts with terrorist organizations (leaving open the possibility of contacts via other channels). Includes an exception for emergency and humanitarian situations.</p>

Issue	HR 4681 (passed by the House May 23, 2006)	S. 2370 (passed by the Senate June 23, 2006)	Comment
<p>Israeli-Palestinian Peace, Reconciliation and Democracy Fund.</p>	<p>None.</p>	<p>(a) Establishment of Fund- Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall establish a fund to be known as the 'Israeli-Palestinian Peace, Reconciliation and Democracy Fund' (in this section referred to as the 'Fund'). The purpose of the Fund shall be to support, primarily, through Palestinian and Israeli organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.</p> <p>(b) Annual Report- Not later than 60 days after the date of the enactment of this Act, and annually thereafter for so long as the Fund remains in existence, the Secretary of State shall submit to the appropriate congressional committees a report on programs sponsored and proposed to be sponsored by the Fund.</p> <p>(c) Authorization of Appropriations- There is authorized to be appropriated to the Secretary of State \$20,000,000 for fiscal year 2007 for purposes of the Fund.</p>	<p>The Senate includes this new fund, and authorizes \$20 million to be appropriated to fund it.</p>
<p>Reporting on other countries' support for the Palestinians</p>		<p>Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that--</p> <p>(1) describes the steps that have been taken by the United States Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for 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; and</p> <p>(2) identifies any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and describes the nature and amount of such assistance.</p>	<p>The Senate adds this section to address Congressional concerns about other countries and organizations granting support to a Hamas-run Palestinian Authority.</p>