

**Comparison of HR 4681 (as passed by the House),
PL 109-234 (The Palestinian Anti-Terrorism Act, as signed into law by the President),
and
the text of the PATA Amendments Act of 2007**

Prepared by Americans for Peace Now

All bill language is copied directly from the bills, as passed by the House and Senate, and from a copy of the PATA Amendments Act circulated by the office of Rep. Ros-Lehtinen the week of March 26, 2007.

Analysis/Observations regarding the PATA Amendments Act of 2007 are in all-capital letters and italicized.

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Issue	HR 4681 - The Palestinian Anti-Terrorism Act of 2006 (as passed by the House May 23, 2006)	S. 2370 as passed by the Senate and House (a.k.a. PL 109-234)	The PATA Amendments Act of 2007
Declaration of Policy	<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; (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</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><i>DOES NOT AMEND THIS SECTION</i></p>
Ban on direct assistance to the PA (certification described below)	<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><i>DELETES REFERENCE TO "HAMAS-CONTROLLED" PA (RETURNS TO FORMULATION CONTAINED IN HOUSE VERSION OF PATA) – MEANING THAT IF AND WHEN THE PA IS NOT CONTROLLED BY AN FTO, THE BAN REMAINS IN EFFECT UNTIL ALL CONDITIONS HAVE BEEN MET.</i></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>

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Certification Requirements	<i>All three versions articulate a broad certification requirement that is the basis for all or most of the sanctions that follow.</i>		
Certification requirements (related to Hamas and the election results)	<p>A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that--</p> <ul style="list-style-type: none"> `(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>A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that--</p> <ul style="list-style-type: none"> `(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><i>- AMENDS THE CERTIFICATION TO TAKE OUT ALL REFERENCES TO "HAMAS-CONTROLLED" PA, MEANING THAT EVEN IF HAMAS WERE NOT RUNNING THINGS, SANCTIONS WOULD REMAIN IN PLACE UNTIL ALL ASPECTS OF THE CERTIFICATION WERE MET, AND THAT THE CERTIFICATION AND RE-CERTIFICATIONS WOULD HAVE TO CONTINUE FOREVER (OR UNTIL CONGRESS CHANGED THE LAW).</i></p> <p><i>- REQUIRES SANCTIONS SO LONG AS EVEN ONE PROSCRIBED INDIVIDUAL IS SERVES IN ANY SENIOR POSITION – IN EFFECT LEGISLATING AGAINST ANY NATIONAL UNITY GOVERNMENT OR GOVERNMENT THAT INCLUDES ANY PROSCRIBED OPPOSITION MEMBERS, EVEN IF THEY ARE IN THE MINORITY.</i></p> <p><i>- GOES BACK TO REQUIREMENT (FROM HOUSE VERSION OF PATA) THAT PA MUST RECOGNIZE ISRAEL 'S RIGHT TO EXIST "AS A JEWISH STATE" – RAISING THE BAR FROM THE ACTUAL QUARTET CONDITION.</i></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—</p> <ul style="list-style-type: none"> “(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

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<p>Certification requirements</p> <p>(unrelated to Hamas and the election results)</p>	<p>(3) the Palestinian Authority has taken effective steps and made demonstrable progress toward--</p> <p>`(A) completing the process of purging from its security services individuals with ties to terrorism;</p> <p>`(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;</p> <p>`(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;</p> <p>`(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and</p> <p>`(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--</p> <p>`(A) completing the process of purging from its security services individuals with ties to terrorism;</p> <p>`(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;</p> <p>`(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;</p> <p>`(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and</p> <p>`(E) ensuring the financial transparency and accountability of all government ministries and operations.</p>	<p><i>REMOVES THE REFERENCE TO THE "HAMAS-CONTROLLED" PA, MAKING CLEAR THAT THE SANCTIONS STAY IN PLACE EVEN IF THE PA INCLUDES NO PROSCRIBED MEMBERS, UNLESS ALL THE CONDITIONS ARE MET – INCLUDING CONDITIONS WHICH IT IS GENERALLY ACCEPTED CANNOT BE MET OUTSIDE THE CONTEXT OF A POLITICAL PROCESS THAT PROVIDES A POLITICAL HORIZON.</i></p> <p>“(3) the Palestinian Authority has taken effective steps and made demonstrable progress toward—</p> <p>“(A) completing the process of purging from its security services individuals with ties to terrorism;</p> <p>“(B) dismantling all terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and pre-empting terrorist attacks, and fully cooperating with Israel’s security services;</p> <p>“(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;</p> <p>“(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and</p> <p>“(E) ensuring the financial transparency and accountability of all government ministries and operations.</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><i>AMENDS THIS SECTION TO PROHIBIT ALL CURRENTLY PERMITTED ASSISTANCE TO THE PRESIDENT OF THE PA, EXCEPT FOR AID WHICH THE PRESIDENT PERSONALLY TELLS CONGRESS IS “CRITICAL TO FACILITATING A PEACEFUL RESOLUTION OF THE ISRAELI-PALESTINIAN CONFLICT.”</i></p> <p><i>SPECIFIES THAT THIS LIMITED CATEGORY OF AID CAN ONLY BE GRANTED IF THE PRESIDENT CERTIFIES, AMONG OTHER THINGS, THAT THE PRESIDENT OF THE PA IS NOT A MEMBER OF OR AFFILIATED WITH AN FTO – A CERTIFICATION THAT COULD NOT BE MADE UNDER THE SITUATION OF A NATIONAL UNITY GOVERNMENT WITH HAMAS.</i></p> <p>“(e) Exception.—</p> <p>“(1) ASSISTANCE TO SUPPORT THE MIDDLE EAST PEACE PROCESS.—Subsection (a) shall not apply with respect to 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 if the President transmits to Congress a certification that contains a determination of the President that—</p> <p>“(A) such assistance is critical to facilitating a peaceful resolution of the Israeli-Palestinian conflict;</p> <p>“(B) 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>“(C) 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>“(D) such assistance will not be retransferred to any other entity within or outside of the Palestinian Authority.</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>

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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.	<i>AMENDS TO INSERT ORIGINAL HOUSE TEXT, WHICH WOULD APPLY SANCTIONS TO A BROADER CATEGORY OF FUNDING.</i> Section 620K of the Foreign Assistance Act of 1961, as amended by subsection (a), 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.
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>	<i>INSERTS TEXT FROM ORIGINAL HR 4681, OMITTED BY THE SENATE.</i> 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.
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>	<i>INSERTS LANGUAGE IDENTICAL TO HR 4681, OMITTED BY THE SENATE.</i> <i>IT SHOULD BE RECALLED THAT THE ORIGINAL VERSION OF HR 4681 INCLUDED LANGUAGE THAT WOULD HAVE BARRED ASSISTANCE UNDER THE FOREIGN AID BILL OR "UNDER ANY OTHER PROVISION OF LAW." THAT KEY PHRASE WAS REMOVED IN COMMITTEE AS PART OF A MANAGERS' AMENDMENT – THIS SENSE OF CONGRESS WAS ADDED TO MAKE CLEAR CONGRESSIONAL INTENT THAT NO FUNDS FROM ANY SOURCE SHOULD BE USED BY THE PRESIDENT, EXPECT AS SPECIFIED IN THIS BILL.</i>
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.'.	<i>NO SIGNIFICANT CHANGE</i> 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.'.

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Aid to the West Bank and Gaza			THIS ENTIRE SECTION OF PL 109-234 IS NOT AMENDED BY THE PATA AMENDMENTS ACT OF 2007
UN Reform	<p>(1) IN GENERAL- Not later than 60 days after the date of the enactment of this Act, the President shall--</p> <p>(A) conduct an audit of the functions of the entities specified in paragraph (2); and</p> <p>(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.</p> <p>(2) ENTITIES SPECIFIED- The entities referred to in paragraph (1) are the following:</p> <p>(A) The United Nations Division for Palestinian Rights.</p> <p>(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.</p> <p>(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.</p> <p>(D) The NGO Network on the Question of Palestine.</p> <p>(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.</p> <p>(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.</p> <p>(b) Implementation of Recommendations by Permanent Representative-</p> <p>(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).</p> <p>(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.</p> <p>(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).</p> <p>(d) Withholding of Funds With Respect to the Palestinian Authority-</p> <p>(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.</p> <p>(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.</p> <p>(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--</p> <p>(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</p> <p>(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>	None.	<p>REVIVES THIS SECTION WITH LANGUAGE IDENTICAL TO THE ORIGINAL VERSION OF HR 4681 – LANGUAGE THAT HAS NOTHING TO DO WITH HAMAS OR TERRORISM OR EVEN THE PATA AND THAT WAS ENTIRELY OMITTED BY THE SENATE.</p> <p>THIS LANGUAGE IS ACTUALLY WORSE THAN THE LANGUAGE IN THE LEFTHAND COLUMN OF THIS TABLE – IT REPRISSES THE TEXT FROM THE ORIGINAL VERSION OF HR 4681, REQUIRING MANDATORY U.S. WITHHOLDING OF UN DUES (THE RELEVANT MENTIONS OF “SHALL” WERE CHANGED TO “SHOULD” IN COMMITTEE AS PART OF A MANAGERS’ AMENDMENT).</p> <p>THE PART OF THE SECTION THAT IS DIFFERENT FROM THE TEXT IN THE LEFTHAND COLUMN IS COPIED BELOW:</p> <p>(2) WITHHOLDING OF FUNDS.—Until the President certifies to the Congress that such recommendations have been implemented, the Secretary of State shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.</p> <p>(c) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the status of the implementation of the recommendations contained in the report required under subsection (a)(1)(B).</p> <p>(d) WITHHOLDING OF FUNDS WITH RESPECT TO THE PALESTINIAN AUTHORITY.—</p> <p>(1) ASSESSED CONTRIBUTIONS.—The Secretary of State shall 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.</p> <p>(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.</p>

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<p>Terrorist Sanctuary</p>	<p>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).</p>		<p><i>CHANGES THE SECTION FROM A “SENSE OF CONGRESS” TO A “STATEMENT OF POLICY” – SOMETHING MUCH MORE SERIOUS. FURTHER UPS THE ANTE ON THIS SECTION BY CHANGING “SHOULD BE DEEMED” TO “IT SHALL BE THE POLICY OF THE U.S. TO DESIGNATE”</i></p> <p>During any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as amended by section 2(a) of this Act) is not in effect with respect to the Palestinian Authority, it shall be the policy of the United States to designate the territory controlled by the Palestinian Authority 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).</p>
<p>Denial of Visas for Palestinian Officials</p>	<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><i>MAKES THIS SECTION MANDATORY RATHER THAN DISCRETIONARY (CHANGES “SHOULD” TO “SHALL.”).</i></p> <p><i>EXPLICITLY REMOVES LANGUAGE PERMITTING VISAS FOR THE PA PRESIDENT AND HIS REPRESENTATIVES, AND FOR NON-HAMAS MEMBERS OF THE PLC (MEANING SOMEONE LIKE HANAN ASHRAWI COULD NOT GET A VISA WITHOUT A WAIVER APPROVED PERSONALLY BY THE PRESIDENT.)</i></p> <p>(a) IN GENERAL.—Except as provided in subsection (b), 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 amended by section 2(a) of this Act) is not in effect with respect to the Palestinian Authority.</p> <p>(b) EXCEPTIONS.—The restriction under 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>

Issue	HR 4681 - The Palestinian Anti-Terrorism Act of 2006 (as passed by the House May 23, 2006)	S. 2370 as passed by the Senate and House (a.k.a. PL 109-234)	The PATA Amendments Act of 2007
<p>Travel Restrictions on Palestinians at the UN</p>	<p>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>	<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><i>MAKES THIS SECTION MANDATORY RATHER THAN DISCRETIONARY (CHANGES “SHOULD” TO “SHALL”)</i></p> <p><i>REMOVES EXCEPTION FOR THE PRESIDENT OF THE PA AND HIS PERSONAL REPRESENTATIVES.</i></p> <p><i>THIS SECTION WOULD PUT THE PALESTINIANS IN THE SAME CATEGORY AS NORTH KOREA IN TERMS OF THEIR TREATMENT BY THE U.S. AT THE UN.</i></p> <p>(a) IN GENERAL.—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 amended by section 2(a) of this Act) is not in effect with respect to the Palestinian Authority.</p>

Issue	HR 4681 - The Palestinian Anti-Terrorism Act of 2006 (as passed by the House May 23, 2006)	S. 2370 as passed by the Senate and House (a.k.a. PL 109-234)	The PATA Amendments Act of 2007
<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><i>EXPANDS PL 109-234 TO APPLY THIS SECTION TO PLO OFFICES IN THE US – INCLUDING THE PLO MISSION TO THE UN – EFFECTIVELY PROHIBITING THEM FROM EXISTING WITHOUT A SPECIAL WAIVER FROM THE PRESIDENT, WHICH WOULD HAVE TO BE RENEWED EVERY 6 MONTHS.</i></p> <p>(a) PROHIBITION.—Subsection (a) of section 7 of the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446; 22 U.S.C. 2378b note) is amended by inserting “or the Palestine Liberation Organization” after “Palestinian Authority”.</p> <p>(b) ENFORCEMENT.—Subsection (b)(1) of such section is amended by adding at the end before the period the following “, 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>(c) WAIVER.—Subsection (c) of such section is amended to read as follows:</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 and amended by section 2(a) of the Palestinian Anti-Terrorism Act Amendments of 2007).</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>

Issue	HR 4681 - The Palestinian Anti-Terrorism Act of 2006 (as passed by the House May 23, 2006)	S. 2370 as passed by the Senate and House (a.k.a. PL 109-234)	The PATA Amendments Act of 2007
Palestinian support from International Financial Institutions	<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><i>MAKES THIS SECTION MANDATORY RATHER THAN DISCRETIONARY (CHANGES "SHOULD" TO "SHALL").</i></p> <p><i>REMOVES EXCEPTION FOR HUMANITARIAN ASSISTANCE AS WELL AS ASSISTANCE TO PROMOTE DEMOCRACY, ETC.</i></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 the appropriate congressional committees 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 amended by section 2(a) 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>
"Diplomatic Contacts" with Palestinian terrorist organizations	<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><i>BROADENS THIS SECTION TO BAR ANY "SUBSTANTIVE CONTACTS" BY ANY UNITED STATES EMPLOYEE (AS OPPOSED TO JUST THOSE PAID BY THE STATE DEPARTMENT) WITH PROSCRIBED GROUPS OR INDIVIDUALS – POTENTIALLY PRECLUDING ACTIVITIES OF THE U.S. INTELLIGENCE COMMUNITY (AS WAS THE CASE IN HR 4681).</i></p> <p>Section 9 of the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446; 22 U.S.C. 2378b note) is amended—</p> <p>(1) in the matter preceding paragraph (1), by inserting "or have substantive contacts" after "negotiate"; and</p> <p>(2) in paragraph (4), by inserting "and the Palestine Liberation Organization" after "State of Israel".</p>

Issue	HR 4681 - The Palestinian Anti-Terrorism Act of 2006 (as passed by the House May 23, 2006)	S. 2370 as passed by the Senate and House (a.k.a. PL 109-234)	The PATA Amendments Act of 2007
Israeli-Palestinian Peace, Reconciliation and Democracy Fund.	None.	<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>	<i>DOES NOT AMEND THIS SECTION</i>
Reporting on other countries' support for the Palestinians		<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>	<i>DOES NOT AMEND THIS SECTION</i>