

# **COMPENDIUM OF FEDERAL STATUTORY MATERIALS REGARDING THE P.L.O. & THE PALESTINIAN AUTHORITY**

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA  
SEC. 554. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103–236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS  
APPROPRIATIONS ACT, 1996, PL 104–107, February 12, 1996, 110 Stat 704

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY  
SEC. 560. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel–PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel–PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS  
APPROPRIATIONS ACT, 1996, PL 104–107, February 12, 1996, 110 Stat 704

TITLE VI—MIDDLE EAST PEACE FACILITATION ACT OF 1995

## SHORT TITLE

SEC. 601. This title may be cited as the “Middle East Peace Facilitation Act of 1995”.

## FINDINGS

SEC. 602. The Congress finds that—

(1) the Palestine Liberation Organization (hereafter the “P.L.O.”) has recognized the State of Israel's right to exist in peace and security, accepted United Nations Security Council Resolutions 242 and 338, committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability, and assumed responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the P.L.O. as the representative of the Palestinian people;

(3) Israel and the P.L.O. signed a Declaration of Principles on Interim Self-Government Arrangements (hereafter the “Declaration of Principles”) on September 13, 1993 at the White House;

(4) Israel and the P.L.O. signed an Agreement on the Gaza Strip and the Jericho Area (hereafter the “Gaza-Jericho Agreement”) on May 4, 1994 which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the P.L.O. signed an Agreement on Preparatory Transfer of Powers and Responsibilities (hereafter the “Early Empowerment Agreement”) on August 29, 1994 which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;

(6) under the terms of the Israeli-Palestinian Interim Agreement on the West Bank and Gaza (hereafter the “Interim Agreement) signed on September 28, 1995, the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement;

(7) permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the P.L.O.'s renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the P.L.O., subject to Presidential certifications that the P.L.O. has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the P.L.O. commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for former approval the necessary changes to those articles of the Palestinian Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the United States is resolute in its determination to ensure that in providing assistance to Palestinians living under the jurisdiction of the Palestinian Authority or elsewhere, the beneficiaries of such assistance shall be held to the same standard

of financial accountability and management control as any other recipient of United States assistance.

#### SENSE OF CONGRESS

SEC. 603. It is the sense of the Congress that the P.L.O. must do far more to demonstrate an irrevocable denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular it must—

- (1) submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction;
- (2) make greater efforts to pre-empt acts of terror, discipline violators and contribute to stemming the violence that has resulted in the deaths of over 140 Israeli and United States citizens since the signing of the Declaration of Principles;
- (3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;
- (4) cease all anti-Israel rhetoric, which potentially undermines the peace process;
- (5) confiscate all unlicensed weapons;
- (6) transfer and cooperate in transfer proceedings relating to any person accused by Israel to acts of terrorism; and
- (7) respect civil liberties, human rights and democratic norms.

#### AUTHORITY TO SUSPEND CERTAIN PROVISIONS

SEC. 604. (a) IN GENERAL.—Subject to subsection (b), beginning on the date of enactment of this Act and for eighteen months thereafter, the President may suspend for a period of not more than 6 months at a time any provision of law specified in subsection (d). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATIONS.—Prior to each exercise of the authority provided in subsection (a) or certification pursuant to subsection (c), the President shall consult with the relevant congressional committees. The President may not exercise that authority or make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

- (A) it is in the national interest of the United States to exercise such authority;
- (B) the P.L.O., the Palestinian Authority, and successor entities are complying with all the commitments described in paragraph (4); and
- (C) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103–236 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

(3) REQUIREMENT FOR CONTINUING P.L.O. COMPLIANCE.—

(A) The President shall ensure that P.L.O. performance is continuously monitored and if the President at any time determines that the P.L.O. has not continued to comply with all the commitments described in paragraph (4), he shall so notify the

relevant congressional committees and any suspension under subsection (a) of a provision of law specified in subsection (d) shall cease to be effective.

(B) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the P.L.O.'s performance determines that the P.L.O. is not complying with the requirements described in subsection (c), he shall so notify the relevant congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by subsection (a) until such time as the President makes the certification provided for in subsection (c).

(4) P.L.O. COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2)(B) and (3)(A) are the commitments made by the P.L.O.—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel; in its letter of September 9, 1993, to the Foreign Minister of Norway to—

- (i) recognize the right of the State of Israel to exist in peace and security;
- (ii) accept United Nations Security Council Resolutions 242 and 338;
- (iii) renounce the use of terrorism and other acts of violence;
- (iv) assume responsibility over all P.L.O. elements and personnel in order to assure their compliance, prevent violations and discipline violators;
- (v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and
- (vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel's destruction, and

(B) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Interim Agreement concerning—

- (i) prevention of acts of terrorism and legal measures against terrorists, including the arrest and prosecution of individuals suspected of perpetrating acts of violence and terror;
- (ii) abstention from and prevention of incitement, including hostile propaganda;
- (iii) operation of armed forces other than the Palestinian Police;
- (iv) possession, manufacture, sale, acquisition or importation of weapons;
- (v) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;
- (vi) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;
- (vii) cooperation with the government of Israel in criminal matters, including cooperation in the conduct of investigations; and
- (viii) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

(5) POLICY JUSTIFICATION.—As part of the President's written policy justification to be submitted to the relevant Congressional Committees pursuant to paragraph (1), the President will report on—

(A) the manner in which the P.L.O. has complied with the commitments specified in paragraph (4), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(B) the extent to which the P.L.O. has fulfilled the requirements specified in subsection (c);

(C) actions that the P.L.O. has taken with regard to the Arab League boycott of Israel;

(D) the status and activities of the P.L.O. office in the United States;

(E) all United States assistance which benefits, directly or indirectly, the projects, programs, or activities of the Palestinian Authority in Gaza, Jericho, or any other area it may control, since September 13, 1993, including—

(i) the obligation and disbursement of such assistance, by project, activity, and date, as well as by prime contractor and all subcontractors;

(ii) the organizations or individuals responsible for the receipt and obligation of such assistance;

(iii) the intended beneficiaries of such assistance; and

(iv) the amount of international donor funds that benefit the P.L.O. or the Palestinian Authority in Gaza, Jericho, or any other area the P.L.O. or the Palestinian Authority may control, and to which the United States is a contributor; and

(F) statements by senior officials of the P.L.O., the Palestinian Authority, and successor entities that question the right of Israel to exist or urge armed conflict with or terrorism against Israel or its citizens, including an assessment of the degree to which such statements reflect official policy of the P.L.O., the Palestinian Authority, or successor entities.

(c) REQUIREMENT FOR CONTINUED PROVISION OF ASSISTANCE.—Six months after the enactment of this Act, United States assistance shall not be provided pursuant to the exercise by the President of the authority provided by subsection (a), unless and until the President determines and so certifies to the Congress that—

(1) if the Palestinian Council has been elected and assumed its responsibilities, it has, within 2 months, effectively disavowed and thereby nullified the articles of the Palestine National Covenant which call for Israel's destruction, unless the necessary changes to the Covenant have already been approved by the Palestine National Council;

(2) the P.L.O., the Palestinian Authority, and successor entities have exercised their authority resolutely to establish the necessary enforcement institutions; including laws, police, and a judicial system, for apprehending, transferring, prosecuting, convicting, and imprisoning terrorists;

(3) the P.L.O., has limited participation in the Palestinian Authority and its successors to individuals and groups that neither engage in nor practice terrorism or violence in the implementation of their political goals;

(4) the P.L.O., the Palestinian Authority, and successor entities have not provided any financial or material assistance or training to any group, whether or not affiliated with the P.L.O., to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(5) the P.L.O., the Palestinian Authority, or successor entities have cooperated in good faith with Israeli authorities in—

(A) the preemption of acts of terrorism;

(B) the apprehension, trial, and punishment of individuals who have planned or committed terrorist acts subject to the jurisdiction of the Palestinian Authority or any successor entity; and

(C) the apprehension of and transfer to Israeli authorities of individuals suspected of, charged with, or convicted of, planning or committing terrorist acts subject to Israeli jurisdiction in accordance with the specific provisions of the Interim Agreement;

(6) the P.L.O., the Palestinian Authority, and successor entities have exercised their authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons;

(7) the P.L.O., the Palestinian Authority, and successor entities have not funded, either partially or wholly, or have ceased funding, either partially or wholly, any office, or other presence of the Palestinian Authority in Jerusalem unless established by specific agreement between Israel and the P.L.O., the Palestinian Authority, or successor entities;

(8) the P.L.O., the Palestinian Authority, and successor entities are cooperating fully with the Government of the United States on the provision of information on United States nationals known to have been held at any time by the P.L.O. or factions thereof; and

(9) the P.L.O., the Palestinian Authority, and successor entities have not, without the agreement of the Government of Israel, taken any steps that will change the status of Jerusalem or the West Bank and Gaza Strip, pending the outcome of the permanent status negotiations.

(d) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the P.L.O. or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, fiscal years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the P.L.O. or entities associated with it.

(3) Section 1003 of the Foreign Relations Authorization Act, fiscal years 1988 and 1989 (22 U.S.C. 5202).

(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286W) as it applies on the granting to the P.L.O. of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term “other official status” does not include membership in the International Monetary Fund.

(e) DEFINITIONS.—As used in this title:

(1) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” mean—

(A) the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives; and

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

(2) UNITED STATES ASSISTANCE.—The term “United States assistance” means any form of grant, loan, loan guarantee, credit, insurance, in kind assistance, or any other form of assistance.

#### TRANSITION PROVISION

SEC. 605. (a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking “November 1, 1995” and inserting “January 1, 1996”.

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to November 15, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

#### REPORTING REQUIREMENT

SEC. 606. Section 804(b) of the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246) is amended—

(1) in the matter preceding paragraph (1), by striking “section (3)(b)(1) of the Middle East Peace Facilitation Act of 1994” and inserting “section 604(b)(1) of the Middle East Peace Facilitation Act of 1995”; and

(2) in paragraph (1), by striking “section (4)(a) of the Middle East Peace Facilitation Act of 1994 (Oslo commitments)” and inserting “section 604(b)(4) of the Middle East Peace Facilitation Act of 1995”.

This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996”.

Approved February 12, 1996.

PL 104–107, 1996 HR 1868

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS  
APPROPRIATIONS ACT, 1996, PL 104–107, February 12, 1996, 110 Stat 704

### **Effective: December 21, 2006**

22 U.S.C.A. § 2378c

#### **§ 2378c. Limitation on assistance for the West Bank and Gaza**

Currentness

##### **(a) Limitation**

Assistance may be provided under this chapter to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 2378b(b) of this title is in effect with respect to the Palestinian Authority.

##### **(b) Exceptions**

Subsection (a) shall not apply with respect to the following:

##### **(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.

**(2) Assistance to promote democracy**

Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful coexistence, provided that such assistance does not directly benefit Hamas or any other foreign terrorist organization.

**(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.

**(4) Other types of assistance**

Any other type of assistance if the President--

**(A)** determines that the provision of such assistance is in the national security interest of the United States; and

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

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

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

**(c) Marking requirement**

Assistance provided under this chapter 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.

**(d) Congressional notification**

Assistance made available under this chapter 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 2394-1(a) of this title.

**(e) Definitions**

In this section:

**(1) Appropriate congressional committees**

the<sup>1</sup> term "appropriate congressional committees" means--

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



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

**(2) Foreign terrorist organization**

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

**CREDIT(S)**

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

**Relevant Additional Resources**

Additional Resources listed below contain your search terms.

**HISTORICAL NOTES**

**Revision Notes and Legislative Reports**

- 2006 Acts. Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S79.

**References in Text**

- This chapter, referred to in subsecs. (a), (c), (d), originally read “this Act”, meaning the Foreign Assistance Act of 1961, Pub.L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, also known as the Act for International Development of 1961 and FAA, which enacted this chapter.

**Change of Name**

- For references to Committees of the House of Representatives with new names, see Pub.L. 104-14, § 1(a), June 3, 1995, 109 Stat. 186, as amended, set out as a note preceding 2 U.S.C.A. § 21.

**Delegation of Functions**

- Functions of President under subsec. (b)(4)(B) of this section delegated to the Secretary of State, see Determination No. 2007-20, June 1, 2007, 72 F.R. 34973, set out as a note under 22 U.S.C.A. § 2378b.

**DETERMINATION OF PRESIDENT**

**PRESIDENTIAL DETERMINATION NO. 2007-20**

<June 1, 2007, 72 F.R. 34973>

**Assistance for the West Bank and Gaza**

For provisions of Presidential Determination No. 2007-20 of June 1, 2007, *Assistance for the West Bank and Gaza*, 72 FR 34973, waiving certain provisions with respect to assistance, see Determination No. 2007-20 of June 1, 2007, set out as a note under 22 U.S.C.A. § 2378b.

**Footnotes**

1

So in original. Probably should be capitalized.  
22 U.S.C.A. § 2378c, 22 USCA § 2378c

Current through P.L. 116-217.  
End of Document

22 U.S.C.A. § 2378c (West)

## **Effective: December 21, 2006**

22 U.S.C.A. § 2378b

### **§ 2378b. Limitation on assistance to the Palestinian Authority**

Currentness

#### **(a) Limitation**

Assistance may be provided under this chapter to the Hamas-controlled Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

#### **(b) Certification**

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

**(2)** 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.

#### **(c) Recertifications**

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

**(1)** the President shall transmit to Congress a recertification that the conditions described in subsection (b) are continuing to be met; or

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

**(d) Congressional notification**

Assistance made available under this chapter to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 2394-1(a) of this title.

**(e) National security waiver**

**(1) In general**

Subject to paragraph (2), the President may waive subsection (a) with respect to--

**(A)** the administrative and personal security costs of the Office of the President of the Palestinian Authority;

**(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

**(C)** assistance for the judiciary branch of the Palestinian Authority and other entities.

**(2) Certification**

The President may only exercise the waiver authority under paragraph (1) after--

**(A)** consulting with, and submitting a written policy justification to, the appropriate congressional committees; and

**(B)** certifying to the appropriate congressional committees that--

**(i)** it is in the national security interest of the United States to provide assistance otherwise prohibited under subsection (a); and

**(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.

**(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.

**(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 2394-1 of this title and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.

**(f) Definitions**

In this section:

**(1) Appropriate congressional committees**

The term "appropriate congressional committees" means--

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

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

**(2) Foreign terrorist organization**

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

**(3) 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.

**CREDIT(S)**

(Pub.L. 87-195, Pt. III, § 620K, as added Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318.)

**Relevant Additional Resources**

Additional Resources listed below contain your search terms.

**HISTORICAL NOTES**

**Revision Notes and Legislative Reports**

- 2006 Acts. Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S79.

**References in Text**

- This chapter, referred to in subsecs. (a), (d), originally read “this Act”, meaning the Foreign Assistance Act of 1961, Pub.L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, also known as the Act for International Development of 1961 and FAA, which enacted this chapter.  
**Change of Name**
- For references to Committees of the House of Representatives with new names, see Pub.L. 104-14, § 1(a), June 3, 1995, 109 Stat. 186, as amended, set out as a note preceding 2 U.S.C.A. § 21.

**Relevant Additional Resources**

Additional Resources listed below contain your search terms.

**STATUTORY NOTES**

**Palestinian Anti-Terrorism Act of 2006**

- Pub.L. 109-446, §§ 1 to 12, Dec. 21, 2006, 120 Stat. 3318, as amended Pub.L. 114-323, Title VII, § 715(b)(3), Dec. 16, 2016, 130 Stat. 1946, provided that:  
**“Sec. 1. Short Title.**  
“This Act [enacting this section and 22 U.S.C.A. § 2378c, amending the credit in 22 U.S.C.A. § 2378a, and enacting this note] may be cited as the ‘Palestinian Anti-Terrorism Act of 2006’.

**“Sec. 2. Limitation on assistance to the Palestinian Authority.**

**“(a) Declaration of policy.**--It shall be the policy of the United States--

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

**“(2)** to oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;

**“(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

**“(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.

**“(b)(1)** [Omitted. Amended credit to 22 U.S.C.A. § 2378a]

**“(2)** [Omitted. Enacted 22 U.S.C.A. § 2378b]

**“(c) Previously obligated funds.**--The provisions of section 620K of the Foreign Assistance Act of 1961 [this section], 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 [Dec. 21, 2006].

**“Sec. 3. Limitation on assistance for the West Bank and Gaza.**

**“(a) [Omitted. Enacted 22 U.S.C.A. § 2378c]**

**“(b) Oversight and related requirements.**--

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

**“(2) Vetting.**--Prior to any obligation of amounts for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 [this chapter], the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

**“(3) Prohibition.**--No amounts made available for fiscal year 2007 or 2008 for assistance to nongovernmental organizations for the West Bank or Gaza

under the Foreign Assistance Act of 1961 [this chapter] may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

**“(4) Audits.--**

**“(A) In general.--**The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 [this chapter] are conducted for each of the fiscal years 2007 and 2008 to ensure, among other things, compliance with this subsection.

**“(B) Audits by Inspector General of USAID.--**Of the amounts available for each of the fiscal years 2007 and 2008 for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 [this chapter], up to \$1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

**“Sec. 4. Designation of territory controlled by the Palestinian Authority as terrorist sanctuary.**

“It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [subsec. (b) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]) 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)) [now 50 U.S.C.A. § 4605(j)(5)] and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

**“Sec. 5. Denial of visas for officials of the Palestinian authority.**

**“(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 [subsec. (b) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]) is not in effect with respect to the Palestinian Authority.

**“(b) Exception.--**The restriction under subsection (a) should not apply to--

**“(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

“(2) members of the Palestinian Legislative Council who are not members of Hamas or any other foreign terrorist organization.

**“Sec. 6. Travel restrictions on officials and representatives of the Palestinian Authority and the Palestine Liberation Organization stationed at the United Nations in New York City.**

“(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 [subsec. (b) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]) is not in effect with respect to the Palestinian Authority.

“(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.

**“Sec. 7. Prohibition on Palestinian Authority representation in the United States.**

“(a) **Prohibition.**--Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 [subsec. (b) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]) is not in effect with respect to the Palestinian Authority.

“(b) **Enforcement.**--

“(1) **Attorney General.**--The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a).

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

“(c) **Waiver.**--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.

**“Sec. 8. International financial institutions.**

“(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 [subsec. (b) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]) is not in effect with respect to the Palestinian Authority.

**“(b) Exceptions.**--The prohibition on assistance described in subsection (a) should not apply with respect to the following types of assistance:

**“(1)** Assistance to meet food, water, medicine, or sanitation needs, or other assistance to meet basic human needs.

**“(2)** Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful coexistence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations.

**“(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)).

**“Sec. 9. Diplomatic contacts with Palestinian terror organizations.**

“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--

**“(1)** recognizes Israel's right to exist;

**“(2)** renounces the use of terrorism;

**“(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

**“(4)** recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.

**“Sec. 10. Israeli-Palestinian Peace, Reconciliation and Democracy Fund.**

**“(a) Establishment of fund.**--Not later than 60 days after the date of the enactment of this Act [Dec. 21, 2006], 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.

**“(b) 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.

**“Sec. 11. Reporting requirement.**



“Not later than 90 days after the date of the enactment of this Act [Dec. 21, 2006], and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that--

“(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 [subsec. (b) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]) is not in effect with respect to the Palestinian Authority; and

“(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.

**“Sec. 12. Definitions.**

“In this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, Dec. 21, 2006, 120 Stat. 3318, which enacted this section and 22 U.S.C.A. § 2378c, amended the credit in 22 U.S.C.A. § 2378a, and enacted this note]:

“(1) **Appropriate congressional committees.**--The term ‘appropriate congressional committees’ means--

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

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

“(2) **Palestinian Authority.**--The term ‘Palestinian Authority’ has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 [sic; probably should read “620K(f)(3)”, which is subsec. (f)(3) of this section] (as added by section 2(b)(2) of this Act [the Palestinian Anti-Terrorism Act of 2006, Pub.L. 109-446, § 2(b)(2), Dec. 21, 2006, 120 Stat. 3318]).”

DETERMINATION OF PRESIDENT

PRESIDENTIAL DETERMINATION NO. 2007-20

<June 1, 2007, 72 F.R. 34973>

**Assistance for the West Bank and Gaza**

**Memorandum for the Secretary of State**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (FOAA)(Public Law 109-102), as amended by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), sections 620K(e) and 620L(b)(4) of the Foreign Assistance Act, as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446), and section 301 of title 3, United States Code, I hereby certify and report that:

With respect to the provision of assistance for the administrative and personal security costs of the Office of the President of the Palestinian Authority; for the

activities of the President of the Palestinian Authority to promote democracy, peaceful resolution of the Israeli-Palestinian conflict, and the rule of law and to fulfill his duties as President, including, among other things, to maintain control of the management and security of border crossings and to foster the Middle East peace process; and, with respect to independent agencies: it is in the national security interest of the United States to provide such assistance; as the case may be, the President of the Palestinian Authority, the President's party, and independent agencies and any members thereof, including any individual or entity for which assistance is proposed to be provided, are not members of, appointed by, or effectively controlled by Hamas or any other foreign terrorist organization; and

such assistance provided hereunder will not be transferred or retransferred to any member of Hamas or other foreign terrorist organization or to any entity effectively controlled by Hamas or other foreign terrorist organization.

Accordingly, I hereby waive section 550(a) of the FOAA, as amended, and section 620K(a) of the Foreign Assistance Act, as amended, with respect to such assistance, and authorize such assistance for the above purposes.

Furthermore, I hereby determine that, with respect to assistance to nongovernmental organizations for the West Bank and Gaza other than assistance covered by paragraphs (b)(1), (2), and (3) of section 620L of the Foreign Assistance Act, as amended, it is in the national security interest of the United States to provide such assistance as the Secretary of State deems appropriate, and assign to the Secretary of State the functions under section 620L(b)(4)(B) regarding the specific programs, projects, and activities to be carried out using such assistance.

I also hereby assign the functions of the President under section 550(b) and (c) of the FOAA, as amended and as carried forward under the Revised Continuing Appropriations Resolution, 2007 (Public Law 110-5), to the Secretary of State.

You are hereby authorized and directed to report this determination to the Congress and publish it in the **Federal Register**.

George W. Bush

22 U.S.C.A. § 2378b, 22 USCA § 2378b  
Current through P.L. 116-217.

22 U.S.C.A. § 2378b (West)

22 U.S.C.A. § 5202

### **§ 5202. Prohibitions regarding PLO**

Currentness

It shall be unlawful, if the purpose be to further the interests of the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof, on or after the effective date of this chapter--

**(1)** to receive anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

**(2)** to expend funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

**(3)** notwithstanding any provision of law to the contrary, 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 Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

### **CREDIT(S)**

(Pub.L. 100-204, Title X, § 1003, Dec. 22, 1987, 101 Stat. 1407.)

MEMORANDA OF PRESIDENT

PRESIDENTIAL MEMORANDUM

<July 21, 2010, 75 F.R. 43795>

### **Delegation of Certain Functions and Authorities**

#### **Memorandum for the Secretary of State**

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the following functions and authorities:

- The function to make the specified reports to the Congress under 22 U.S.C. 2291-4(c).
- The function and authority to waive the provisions of section 1003 of Public Law 100-204 (22 U.S.C. 5202) upon making certain determinations and certifications under section 7034(b) of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and any subsequently enacted provision of law that is the same or substantially the same.

You are authorized and directed to publish this memorandum in the Federal Register.

Barack Obama

### **Relevant Notes of Decisions (2)**

View all 3

Notes of Decisions listed below contain your search terms.

#### Constitutionality

Though construed to be inapplicable to the Palestine Liberation Organization Observer Mission to the United Nations, the Anti-Terrorism Act remained valid enactment of general application which restricted PLO activity within United States and could effectively curtail any PLO activities within country. U.S. v. Palestine Liberation Organization, S.D.N.Y.1988, 695 F.Supp. 1456. War And National Emergency 🔑 1123

#### Maintenance of informational office

American citizen would not violate Anti-Terrorism Act by establishing or maintaining informational office at behest of Palestine Liberation Organization (PLO) where citizen claimed he would not be acting as official of PLO or further PLO's interests; if Act were read to prohibit opening of office, it would violate requirement that free speech restriction be no greater than essential as it would prohibit individual citizen,

rather than PLO, from operating in United States. Mendelsohn v. Meese, S.D.N.Y.1988, 695 F.Supp. 1474. Constitutional Law 1868; War And National Emergency 1129  
22 U.S.C.A. § 5202, 22 USCA § 5202  
Current through P.L. 116-217.  
End of Document

22 U.S.C.A. § 5202 (West)

22 U.S.C.A. § 5201

### **§ 5201. Findings; determinations**

Currentness

#### **(a) Findings**

The Congress finds that--

- (1) Middle East terrorism accounted for 60 percent of total international terrorism in 1985;
- (2) the Palestine Liberation Organization (hereafter in this chapter referred to as the "PLO") was directly responsible for the murder of an American citizen on the Achille Lauro cruise liner in 1985, and a member of the PLO's Executive Committee is under indictment in the United States for the murder of that American citizen;
- (3) the head of the PLO has been implicated in the murder of a United States Ambassador overseas;
- (4) the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad;
- (5) the PLO covenant specifically states that "armed struggle is the only way to liberate Palestine, thus it is an overall strategy, not merely a tactical phase";
- (6) the PLO rededicated itself to the "continuing struggle in all its armed forms" at the Palestine National Council meeting in April 1987; and
- (7) the Attorney General has stated that "various elements of the Palestine Liberation Organization and its allies and affiliates are in the thick of international terror".

#### **(b) Determinations**

Therefore, the Congress determines that the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.

#### **CREDIT(S)**

(Pub.L. 100-204, Title X, § 1002, Dec. 22, 1987, 101 Stat. 1406.)

### **Relevant Notes of Decisions (1)**

View all 1

Notes of Decisions listed below contain your search terms.

Constitutionality

Anti-Terrorism Act had rational basis and substantial and important government interest unrelated to suppression of speech; it was tied into foreign policy goals of

denying Palestine Liberation Organization (PLO) benefit of operating in environment fostered by commitment to rule of law and respect for individual liberties.

Mendelsohn v. Meese, S.D.N.Y.1988, 695 F.Supp. 1474. Constitutional Law 🗝️

1868; War And National Emergency 🗝️ 1123

22 U.S.C.A. § 5201, 22 USCA § 5201

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 5201 (West)

22 U.S.C.A. § 5202

### **§ 5202. Prohibitions regarding PLO**

Currentness

It shall be unlawful, if the purpose be to further the interests of the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof, on or after the effective date of this chapter--

**(1)** to receive anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

**(2)** to expend funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

**(3)** notwithstanding any provision of law to the contrary, 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 Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

### **CREDIT(S)**

(Pub.L. 100-204, Title X, § 1003, Dec. 22, 1987, 101 Stat. 1407.)

MEMORANDA OF PRESIDENT

PRESIDENTIAL MEMORANDUM

<July 21, 2010, 75 F.R. 43795>

### **Delegation of Certain Functions and Authorities**

#### **Memorandum for the Secretary of State**

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the following functions and authorities:

- The function to make the specified reports to the Congress under 22 U.S.C. 2291-4(c).

- The function and authority to waive the provisions of section 1003 of Public Law 100-204 (22 U.S.C. 5202) upon making certain determinations and certifications under section 7034(b) of the Consolidated Appropriations Act, 2010 (Public Law 111-117) and any subsequently enacted provision of law that is the same or substantially the same.

You are authorized and directed to publish this memorandum in the Federal Register.

Barack Obama

### **Notes of Decisions (3)**

22 U.S.C.A. § 5202, 22 USCA § 5202

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 5202 (West)

22 U.S.C.A. § 5202

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(3) notwithstanding any provision of law to the contrary, 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 Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof.

### **CREDIT(S)**

(Pub.L. 100-204, Title X, § 1003, Dec. 22, 1987, 101 Stat. 1407.)

MEMORANDA OF PRESIDENT

PRESIDENTIAL MEMORANDUM

<July 21, 2010, 75 F.R. 43795>

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Barack Obama

### **Notes of Decisions (3)**

22 U.S.C.A. § 5202, 22 USCA § 5202  
Current through P.L. 116-217.  
End of Document

22 U.S.C.A. § 5202 (West)

22 U.S.C.A. § 5203

**§ 5203. Enforcement**

Currentness

**(a) Attorney General**

The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of this chapter.

**(b) Relief**

Any district court of the United States for a district in which a violation of this chapter 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 this chapter.

**CREDIT(S)**

(Pub.L. 100-204, Title X, § 1004, Dec. 22, 1987, 101 Stat. 1407.)

**Notes of Decisions (2)**

22 U.S.C.A. § 5203, 22 USCA § 5203  
Current through P.L. 116-217.  
End of Document

22 U.S.C.A. § 5203 (West)

22 U.S.C.A. § 2301

**§ 2301. Congressional statement of policy**

Currentness

The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except for individual or collective self-defense. The Congress finds that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective self-help and mutual aid. It is the purpose of subchapter II of this chapter to authorize measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying countries against violation and evasion.

The Congress recognizes that the peace of the world and the security of the United States are endangered so long as hostile countries continue by threat of military action, by the use of economic pressure, and by internal subversion, or other means

to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in subchapter II of this chapter. It is the sense of the Congress that in the administration of subchapter II of this chapter priority shall be given to the needs of those countries in danger of becoming victims of aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the steps which have been taken to promote multilateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic Area.

### CREDIT(S)

(Pub.L. 87-195, Pt. II, § 501, formerly § 502, Sept. 4, 1961, 75 Stat. 434, renumbered § 501 and amended Pub.L. 90-137, Pt. II, § 201(a), Nov. 14, 1967, 81 Stat. 455; Pub.L. 103-199, Title VII, § 705(1), Dec. 17, 1993, 107 Stat. 2328.)

## Relevant Additional Resources

Additional Resources listed below contain your search terms.

### STATUTORY NOTES

Transfer of Proscribed Weapons to Persons or Entities in the West Bank and Gaza

- Pub.L. 107-228, Div. A, Title VI, § 699, Sept. 30, 2002, 116 Stat. 1418, provided that:  
“(a) **Determination regarding transfers.**--If the President determines, based on a preponderance of the evidence, that a foreign person or entity has knowingly transferred proscribed weapons to Palestinian entities in the West Bank or Gaza, then, for the period specified in subsection (b) [of this note], no assistance may be provided to the person or entity under part II of the Foreign Assistance Act of 1961 [this subchapter] and no sales of defense articles or



defense services may be made to the person or entity under section 23 of the Arms Export Control Act [22 U.S.C.A. § 2763].

**“(b) Duration of prohibition.**--The period referred to in subsection (a) [of this note] is the period commencing on the date on which a notification of a determination under subsection (a) [of this note] is submitted to the appropriate congressional committees and ending on the date that is two years after such date.

**“(c) Report.**--In conjunction with the report required under title VIII of the P.L.O. Commitments Compliance Act of 1989 (Public Law 101-246) [Pub.L. 101-246, Title VIII, § 801 et seq., Feb. 16, 1990, 104 Stat. 76, which is not classified to the Code], the President shall submit a report to the appropriate congressional committees on transfers reviewed pursuant to subsection (a) [of this note].

**“(d) Definition.**--In this section, the term ‘proscribed weapons’ means arms, ammunition, and equipment the transfer of which is not in compliance with the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, or subsequent agreements between Israel and the PLO, or Palestinian Authority, as appropriate.”

[For definition of “appropriate congressional committees” as used in Pub.L. 107-228, § 699 set out above, see Pub.L. 107-228, § 3 set out as a note under 22 U.S.C.A. § 2651.]

[For provisions authorizing the Secretary of State to perform the functions conferred upon the President by section 699 of Pub.L. 107-228 (set out above), see Memorandum of April 30, 2009, 74 F.R. 22637, 2009 WL 1322320 (Pres.).]

22 U.S.C.A. § 2301, 22 USCA § 2301  
Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 2301 (West)

## **Effective: October 6, 2000**

22 U.S.C.A. § 2302

### **§ 2302. Utilization of defense articles and defense services**

Currentness

Defense articles and defense services to any country shall be furnished solely for internal security (including for antiterrorism and nonproliferation purposes), for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social

development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

**CREDIT(S)**

(Pub.L. 87-195, Pt. II, § 502, formerly § 505(a), Sept. 4, 1961, 75 Stat. 436; Pub.L. 88-205, Pt. II, § 202(b), Dec. 16, 1963, 77 Stat. 384; Pub.L. 89-171, Pt. II, § 201(c), Sept. 6, 1965, 79 Stat. 656; renumbered and amended Pub.L. 90-137, Pt. II, § 201(d), Nov. 14, 1967, 81 Stat. 456; Pub.L. 106-280, Title VII, § 701, Oct. 6, 2000, 114 Stat. 861.)

22 U.S.C.A. § 2302, 22 USCA § 2302

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 2302 (West)

**Effective: July 21, 1996**

22 U.S.C.A. § 2303

**§ 2303. Repealed. Pub.L. 104-164, Title I, § 104(b)(2)(A), July 21, 1996, 110 Stat. 1426**

Currentness

22 U.S.C.A. § 2303, 22 USCA § 2303

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 2303 (West)

22 U.S.C.A. § 286w

**§ 286w. Denial of membership or other status in Fund for Palestine Liberation Organization; United States participation in Fund if membership or other status granted; report by President to Congress**

Currentness

It is the policy of the United States that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any other official status at any meeting sponsored by or associated with the Fund. The United States Executive Director of the Fund shall promptly notify the Fund of such policy. In the event that the Fund provides either membership, observer status, or any other official status to the Palestine Liberation Organization, such action would result in a serious diminution of United States support. Upon review of such action, the President would be required to report his recommendations to the Congress with regard to any further United States participation in the Fund.

**CREDIT(S)**

(July 31, 1945, c. 339, § 37, as added Pub.L. 96-389, § 7, Oct. 7, 1980, 94 Stat. 1554.)

22 U.S.C.A. § 286w, 22 USCA § 286w

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 286w (West)

## **Effective: March 23, 2018**

22 U.S.C.A. § 2378c-1

### **§ 2378c-1. Limitation on assistance to the West Bank and Gaza**

Currentness

#### **(a) Limitation**

##### **(1) In general**

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

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

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

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

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

##### **(2) Additional certification requirement**

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

#### **(b) Exception**

##### **(1) In general**

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

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

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

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

**(2) Notification**

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

**(c) Rule of construction**

Funds withheld pursuant to this section--

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

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

**(d) Initial use and disposition of withheld funds**

**(1) Period of availability**

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

**(2) Use of funds**

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

**(3) Disposition of unused funds**

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

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

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

**(e) Report**

**(1) In general**

If the Secretary of State is unable to certify in writing to the appropriate congressional committees that the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations have met the conditions described in subsection (a), the Secretary shall, not later

than 15 days after the date on which the Secretary is unable to make such certification, submit to the appropriate congressional committees a report that contains the following:

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

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

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

**(2) Form**

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

**(f) List of criteria**

**(1) In general**

Not later than 15 days after March 23, 2018, the Secretary of State shall submit to the appropriate congressional committees a list of the criteria that the Secretary uses to determine whether assistance for the West Bank and Gaza is assistance that directly benefits the Palestinian Authority for purposes of carrying out this section.

**(2) Update**

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

**CREDIT(S)**

(Pub.L. 115-141, Div. S, Title X, § 1004, Mar. 23, 2018, 132 Stat. 1144.)

## Relevant Additional Resources

Additional Resources listed below contain your search terms.

### STATUTORY NOTES

#### Findings

- Pub.L. 115-141, Div. S, Title X, § 1002, Mar. 23, 2018, 132 Stat. 1143, provided that:  
“Congress makes the following findings:  
“(1) The Palestinian Authority’s practice of paying salaries to terrorists serving in Israeli prisons, as well as to the families of deceased terrorists, is an incentive to commit acts of terror.  
“(2) The United States does not provide direct budgetary support to the Palestinian Authority. The United States does pay certain debts held by the Palestinian Authority and funds programs for which the Palestinian Authority would otherwise be responsible.  
“(3) The United States Government supports community-based programs in the West Bank and Gaza that provide for basic human needs, such as food, water, health, shelter, protection, education, and livelihoods, and that promote peace and development.  
“(4) Since fiscal year 2015, annual appropriations legislation has mandated the reduction of Economic Support Fund aid for the Palestinian Authority as a

result of their payments for acts of terrorism including, in fiscal year 2017, a reduction 'by an amount the Secretary determines is equivalent to the amount expended by the Palestinian Authority, the Palestine Liberation Organization, and any successor or affiliated organizations with such entities as payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism and by individuals who died committing acts of terrorism during the previous calendar year'."

#### Appropriate Congressional Committees Defined

- Pub.L. 115-141, Div. S, Title X, § 1007, Mar. 23, 2018, 132 Stat. 1147, provided that:  
"In this title [Pub.L. 115-141, Div. S, Title X, § 1001 et seq., enacting this section, and enacting provisions set out as a note under this section and 22 U.S.C.A. § 2151], the term 'appropriate congressional committees' means--  
“(1) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and  
“(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.”

22 U.S.C.A. § 2378c-1, 22 USCA § 2378c-1

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 2378c-1 (West)

### Foreign mission

Palestine Information Office located in Washington, D.C., that was “foreign mission” of **Palestine Liberation Organization** pursuant to Foreign Missions Act definition, was foreign political entity that therefore had no due process rights under United States Constitution or laws. [Palestine Information Office v. Shultz, D.D.C.1987, 674 F.Supp. 910](#), affirmed [853 F.2d 932, 272 U.S.App.D.C. 1.Constitutional Law 🗝️ 3931](#)

### Political entity

Palestine Information Office of the **Palestine Liberation Organization**, located in Washington, D.C., was “entity” within meaning of Foreign Missions Act subsection defining foreign mission. [Palestine Information Office v. Shultz, D.D.C.1987, 674 F.Supp. 910](#), affirmed [853 F.2d 932, 272 U.S.App.D.C. 1.International Law 🗝️ 171](#)

### Other activities

Court's finding that Palestine Information Office entity engaged in “other activities” on political entity **Palestine Liberation Organization's** behalf was sufficient to support decision that Secretary of State's determination to order closing of PIO, located in Washington, D.C., on ground PIO was “foreign mission” comported with both Foreign Missions Act and Administrative Procedure

Act. [Palestine Information Office v. Shultz, D.D.C.1987, 674 F.Supp. 910](#),  
affirmed [853 F.2d 932, 272 U.S.App.D.C. 1](#).  
22 U.S.C.A. § 4302, 22 USCA § 4302  
Current through P.L. 116-217.

## End of Document

22 U.S.C.A. § 4301

### **§ 4301. Congressional declaration of findings and policy**

Currentness

#### **(a) Findings**

The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

#### **(b) Policy**

The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations, and to require their observance of corresponding obligations in accordance with international law.

#### **(c) Treatment of foreign missions in United States**

The treatment to be accorded to a foreign mission in the United States shall be determined by the Secretary after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission, as well as matters relating to the protection of the interests of the United States.

### **CREDIT(S)**

(Aug. 1, 1956, c. 841, Title II, § 201, as added Pub.L. 97-241, Title II, § 202(b), Aug. 24, 1982, 96 Stat. 283; amended Pub.L. 99-93, Title I, § 127(a), Aug. 16, 1985, 99 Stat. 418.)

### **Notes of Decisions (2)**

22 U.S.C.A. § 4301, 22 USCA § 4301

Current through P.L. 116-217.

End of Document

22 U.S.C.A. § 4301 (West)

#### Codification of Policy Prohibiting Negotiations with the Palestine Liberation Organization

- Pub.L. 99-83, Title XIII, § 1302, Aug. 8, 1985, 99 Stat. 280, as amended Pub.L. 101-246, Title I, § 108, Feb. 16, 1990, 104 Stat. 21, provided that:  
“(a) **United States policy.**--The United States in 1975 declared in a memorandum of agreement with Israel, and has reaffirmed since, that ‘The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.’”

**“(b) Reaffirmation and codification of policy.**--The United States hereby reaffirms that policy in accordance with that policy, no officer or employee of the United States Government and no other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization or any representatives thereof (except in emergency or humanitarian situations) unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338, and renounces the use of terrorism, except that no funds authorized to be appropriated by this or any other Act may be obligated or made available for the conduct of the current dialogue on the Middle East peace process with any representative of the Palestine Liberation Organization if the President knows and advises the Congress that that representative directly participated in the planning or execution of a part of a terrorist activity which resulted in the death or kidnapping of a United States citizen.”

22 U.S.C.A. § 2151 (West)