

CONGRATULATING THE PEOPLE AND GOVERNMENT OF ITALY,
THE TORINO OLYMPIC ORGANIZING COMMITTEE, THE INTER-
NATIONAL OLYMPIC COMMITTEE, THE UNITED STATES OLYM-
PIC COMMITTEE, THE 2006 UNITED STATES OLYMPIC TEAM,
AND ALL INTERNATIONAL ATHLETES UPON THE SUCCESSFUL
COMPLETION OF THE 2006 OLYMPIC WINTER GAMES IN
TURIN, ITALY; AND THE PALESTINIAN ANTI-TERRORISM ACT
OF 2006

MARKUP
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

H. Res. 697 and H.R. 4681

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CONTENTS

	Page
MARKUP OF	
H. Res. 697, Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy	2
Amendment in the Nature of a Substitute to H. Res. 697 offered by the Honorable Henry J. Hyde, a Representative in Congress from the State of Illinois, and Chairman, Committee on International Relations	5
H.R. 4681, To promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes	9
Amendment in the Nature of a Substitute to H.R. 4681 offered by the Honorable Ileana Ros-Lehtinen, a Representative in Congress from the State of Florida, the Honorable Tom Lantos, a Representative in Congress from the State of California, and the Honorable Henry J. Hyde, a Representative in Congress from the State of Illinois, and Chairman, Committee on International Relations	28
Amendment to the Amendment in the Nature of a Substitute to H.R. 4681 offered by the Honorable Shelley Berkley, a Representative in Congress from the State of Nevada	56
Amendment to the Amendment in the Nature of a Substitute to H.R. 4681 offered by the Honorable Brad Sherman, a Representative in Congress from the State of California	61
APPENDIX	
The Honorable Sherrod Brown, a Representative in Congress from the State of Ohio: Prepared statement	69
The Honorable Darrell Issa, a Representative in Congress from the State of California: Prepared statement	69
The Honorable Betty McCollum, a Representative in Congress from the State of Minnesota: Prepared statement	70

CONGRATULATING THE PEOPLE AND GOVERNMENT OF ITALY, THE TORINO OLYMPIC ORGANIZING COMMITTEE, THE INTERNATIONAL OLYMPIC COMMITTEE, THE UNITED STATES OLYMPIC COMMITTEE, THE 2006 UNITED STATES OLYMPIC TEAM, AND ALL INTERNATIONAL ATHLETES UPON THE SUCCESSFUL COMPLETION OF THE 2006 OLYMPIC WINTER GAMES IN TURIN, ITALY; AND THE PALESTINIAN ANTI-TERRORISM ACT OF 2006

THURSDAY, APRIL 6, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to call, at 1:26 p.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. It is the intention of the Chair, by unanimous consent, to obtain authorization to seek consideration of H. Res. 697, the Olympics Resolution, under suspension of the rules. Accordingly, without objection, the Chairman is authorized to seek consideration of H. Res. 697, Congratulating the people and Government of Italy upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy, and the amendment which the Members have before them will be deemed adopted.

[The information referred to follows:]

109TH CONGRESS
2D SESSION

H. RES. 697

Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2006

Mr. HYDE (for himself and Mr. LANTOS) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic Team, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.

Whereas from February 17 to February 26, 2006, Turin, Italy, hosted the 2006 Olympic Winter Games;

Whereas this is the third time Italy has hosted the Olympic Games, with the prior Winter Games having been held in 1956 in Cortina d'Ampezzo and the Summer Games having been held in 1960 in Rome;

3

2

Whereas the people of Turin and the surrounding Alpine areas have opened their hearts to the world, demonstrated their passions for sports, art, and culture, and strengthened the bonds between the city of Turin and the surrounding Alpine areas;

Whereas the city of Turin accommodated nearly 2,600 athletes, more than 2,700 trainers and escorts, 18,000 volunteers, 9,500 members of the media, and nearly one million spectators at seven competition sites and three Olympic villages;

Whereas, in light of a global terror threat, Italian authorities implemented extraordinary security measures and successfully coordinated the efforts of 10,000 police officers and 2,500 Italian military personnel, providing effective and efficient protection, while also ensuring a secure and stable environment for both athletes and spectators alike;

Whereas through the stewardship of the International Olympic Committee and the Torino Olympic Organizing Committee, athletes representing 80 different countries competed in 15 disciplines of winter sport with the spirit of mutual respect and understanding, furthering the Olympic legacy of “peace between nations, equality, fair play, loyalty and respect”;

Whereas well over 200 members of the United States Olympic Team participated in the Games and embodied the spirit of this Nation with resolve and determination and won 25 medals, including nine gold medals; and

Whereas more than 600 athletes from 41 countries will compete in the 2006 Paralympic Winter Games in March 2006 in Turin: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

1 (1) commends the people and Government of
2 Italy, and specifically the people of Turin and the
3 surrounding Alpine areas, the Torino Olympic Orga-
4 nizing Committee, and the International Olympic
5 Committee upon the successful completion of the
6 2006 Olympic Winter Games;

7 (2) congratulates the United States Olympic
8 Committee, the 2006 United States Olympic Team,
9 and all international athletes for their outstanding
10 performances at the 2006 Olympic Winter Games;

11 (3) expresses gratitude to the thousands of vol-
12 unteers and others who made the 2006 Olympic
13 Winter Games exciting, safe, and successful; and

14 (4) expresses support to the 2006 United
15 States Paralympic Team in the upcoming
16 Paralympic Winter Games.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 697
OFFERED BY MR. HYDE

Strike the preamble and insert the following:

Whereas from February 17 to February 26, 2006, Turin, Italy, hosted the 2006 Olympic Winter Games;

Whereas this is the third time Italy has hosted the Olympic Games, with the prior Winter Games having been held in 1956 in Cortina d'Ampezzo and the Summer Games having been held in 1960 in Rome;

Whereas the people of Turin and the surrounding Alpine areas have opened their hearts to the world, demonstrated their passions for sports, art, and culture, and strengthened the bonds between the city of Turin and the surrounding Alpine areas;

Whereas the city of Turin accommodated nearly 2,600 athletes, more than 2,700 trainers and escorts, 18,000 volunteers, 9,500 members of the media, and nearly 1,000,000 spectators at 7 competition sites and 3 Olympic villages;

Whereas, in light of a global terror threat, Italian authorities implemented extraordinary security measures and successfully coordinated the efforts of 10,000 police officers and 2,500 Italian military personnel, providing effective and efficient protection, while also ensuring a secure and stable environment for both athletes and spectators alike;

Whereas, through the stewardship of the International Olympic Committee and the Torino Olympic Organizing Committee, athletes representing 80 different countries com-

peted in 15 disciplines of winter sport with the spirit of mutual respect and understanding, furthering the Olympic legacy of “peace between nations, equality, fair play, loyalty and respect”;

Whereas well over 200 members of the United States Olympic Team participated in the Games and embodied the spirit of this Nation with resolve and determination and won 25 medals, including 9 gold medals;

Whereas 477 athletes from 39 countries competed for 9 days in March 2006 in Turin at the 2006 Paralympic Winter Games, which were organized in 1948 as a venue for injured World War II veterans to compete, demonstrating not an individual’s disability, but rather the individual’s achievements in athleticism; and

Whereas the United States Olympic Team ranked second among all nations in the number of medals won at the 2006 Olympic Winter Games and the United States Paralympic Team ranked seventh among all nations in the number of medals won at the 2006 Paralympic Winter Games: Now, therefore, be it

Strike all after the resolving clause and insert the following:

- 1 That the House of Representatives—
- 2 (1) commends the people and Government of
- 3 Italy, and specifically the people of Turin and the
- 4 surrounding Alpine areas, the Torino Olympic Orga-
- 5 nizing Committee, and the International Olympic

1 Committee on the successful completion of the 2006
2 Olympic Winter Games;

3 (2) congratulates the United States Olympic
4 Committee, the 2006 United States Olympic and
5 Paralympic Teams, and all international athletes for
6 their outstanding performances at the 2006 Olympic
7 Winter Games; and

8 (3) expresses gratitude to the thousands of vol-
9 unteers and others who made the 2006 Olympic
10 Winter Games exciting, safe, and successful.

Amend the title so as to read: “Resolution congratulating the people and Government of Italy, the Torino Olympic Organizing Committee, the International Olympic Committee, the United States Olympic Committee, the 2006 United States Olympic and Paralympic Teams, and all international athletes upon the successful completion of the 2006 Olympic Winter Games in Turin, Italy.”.

Chairman HYDE. Pursuant to notice, I call up the bill, H.R. 4681, the Palestinian Anti-Terrorism Act of 2006, for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point, and the amendment in the nature of a substitute, which the Members have before them, will be considered as read and be considered as the original text for purposes of amendment. [The information referred to follows:]

109TH CONGRESS
2D SESSION

H. R. 4681

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2006

Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. CANTOR, Mr. CHABOT, Mr. ACKERMAN, Mr. ENGEL, Mr. PENCE, Mr. WELLER, Ms. HARRIS, Mr. BURTON of Indiana, Mrs. MCCARTHY, Mr. CARDOZA, Mr. MACK, Ms. BEAN, Mr. CROWLEY, Mr. LYNCH, Mrs. JO ANN DAVIS of Virginia, Mr. CHANDLER, Mr. BROWN of South Carolina, Mr. MCCAUL of Texas, Mr. KING of New York, Mr. ISRAEL, Ms. BERKLEY, Mr. POE, Mr. ROYCE, Mrs. BLACKBURN, Mr. TANCREDO, Mr. SCHIFF, Mr. SHERMAN, and Mr. NADLER) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on the Judiciary and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Palestinian Anti-Ter-
5 rorism Act of 2006”.

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

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

6 (1) denounces and combats terrorism;

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

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

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

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

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

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

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

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

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

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

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

8 “(a) LIMITATION.—Assistance may be provided
9 under this Act or any other provision of law to the Pales-
10 tinian Authority only during a period for which a certifi-
11 cation described in subsection (b) is in effect.

12 “(b) CERTIFICATION.—A certification described in
13 this subsection is a certification transmitted by the Presi-
14 dent to Congress that contains a determination of the
15 President that—

16 “(1) no ministry, agency, or instrumentality of
17 the Palestinian Authority is controlled by a foreign
18 terrorist organization and no member of a foreign
19 terrorist organization serves in a ministry, agency,
20 or instrumentality of the Palestinian Authority;

21 “(2) the Palestinian Authority has—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(e) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) OVERSIGHT AND RELATED REQUIREMENTS.—

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

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

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

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

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

4 (4) AUDITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tions to the regular assessed budget of the United
2 Nations for a biennial period amounts that are pro-
3 portional to the percentage of such budget that are
4 expended for such entities.

5 (e) GAO AUDIT.—The Comptroller General shall
6 conduct an audit of the status of the implementation of
7 the recommendations contained in the report required
8 under subsection (a)(1)(B).

9 (d) WITHHOLDING OF FUNDS WITH RESPECT TO
10 THE PALESTINIAN AUTHORITY.—The United States shall
11 withhold from United States contributions to the regular
12 assessed budget of the United Nations for a biennial pe-
13 riod amounts that are proportional to the percentage of
14 such budget that are expended for any United Nations af-
15 filiated or specialized agency that provides assistance di-
16 rectly to the Palestinian Authority during any period for
17 which a certification described in section 620K(b) of the
18 Foreign Assistance Act of 1961 (as added by section
19 2(b)(2) of this Act) is not in effect with respect to the
20 Palestinian Authority.

21 **SEC. 5. DESIGNATION OF TERRITORY CONTROLLED BY THE**
22 **PALESTINIAN AUTHORITY AS TERRORIST**
23 **SANCTUARY.**

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

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

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

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

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

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

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

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

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

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

3 (b) ENFORCEMENT.—

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

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

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

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

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

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

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

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

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

15 (2) renounces the use of terrorism;

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

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

23 **SEC. 11. DEFINITIONS.**

24 In this Act:

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

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

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

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

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4681
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA,
MR. LANTOS OF CALIFORNIA, AND MR. HYDE
OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Palestinian Anti-Ter-
3 rorism Act of 2006”.

**4 SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN
5 AUTHORITY.**

6 (a) DECLARATION OF POLICY.—It shall be the policy
7 of the United States—

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

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

1 (3) to urge members of the international com-
2 munity to avoid contact with and refrain from finan-
3 cially supporting the terrorist organization Hamas
4 or a Hamas-controlled Palestinian Authority until
5 Hamas agrees to recognize Israel, renounce violence,
6 disarm, and accept prior agreements, including the
7 Roadmap;

8 (4) to promote the emergence of a democratic
9 Palestinian governing authority that—

10 (A) denounces and combats terrorism;

11 (B) has agreed to and is taking action to
12 disarm and dismantle any terrorist agency, net-
13 work, or facility;

14 (C) has agreed to work to eliminate anti-
15 Israel and anti-Semitic incitement and the com-
16 memoration of terrorists in Palestinian society;

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

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

21 (F) implements the rule of law, good gov-
22 ernance, and democratic practices, including
23 conducting free, fair, and transparent elections
24 in compliance with international standards;

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

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

6 (5) to continue to support assistance to the Pal-
7 estinian people.

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

11 (1) by redesignating the second section 620G
12 (as added by section 149 of Public Law 104–164
13 (110 Stat. 1436)) as section 620J; and

14 (2) by adding at the end the following new sec-
15 tion:

16 **“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALES-**
17 **TINIAN AUTHORITY.**

18 “(a) LIMITATION.—Except as provided in subsection
19 (e), assistance may be provided under this Act to the Pal-
20 estinian Authority only during a period for which a certifi-
21 cation described in subsection (b) is in effect.

22 “(b) CERTIFICATION.—A certification described in
23 this subsection is a certification transmitted by the Presi-
24 dent to Congress that contains a determination of the
25 President that—

1 “(1) no ministry, agency, or instrumentality of
2 the Palestinian Authority is controlled by a foreign
3 terrorist organization and no member of a foreign
4 terrorist organization serves in a senior policy mak-
5 ing position in a ministry, agency, or instrumentality
6 of the Palestinian Authority;

7 “(2) the Palestinian Authority has—

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

10 “(B) recommitted itself and is adhering to
11 all previous agreements and understandings by
12 the Palestine Liberation Organization and the
13 Palestinian Authority with the Government of
14 the United States, the Government of Israel,
15 and the international community, including
16 agreements and understandings pursuant to the
17 Performance-Based Roadmap to a Permanent
18 Two-State Solution to the Israeli-Palestinian
19 Conflict (commonly referred to as the ‘Road-
20 map’); and

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

23 “(A) completing the process of purging
24 from its security services individuals with ties to
25 terrorism;

1 “(B) dismantling all terrorist infrastruc-
2 ture, confiscating unauthorized weapons, arrest-
3 ing and bringing terrorists to justice, destroying
4 unauthorized arms factories, thwarting and pre-
5 empting terrorist attacks, and fully cooperating
6 with Israel’s security services;

7 “(C) halting all anti-Israel incitement in
8 Palestinian Authority-controlled electronic and
9 print media and in schools, mosques, and other
10 institutions it controls, and replacing these ma-
11 terials, including textbooks, with materials that
12 promote tolerance, peace, and coexistence with
13 Israel;

14 “(D) ensuring democracy, the rule of law,
15 and an independent judiciary, and adopting
16 other reforms such as ensuring transparent and
17 accountable governance; and

18 “(E) ensuring the financial transparency
19 and accountability of all government ministries
20 and operations.

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

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

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

7 “(d) CONGRESSIONAL NOTIFICATION.—Assistance
8 made available under this Act to the Palestinian Authority
9 may not be provided until 15 days after the date on which
10 the President has provided notice thereof to the Com-
11 mittee on International Relations and the Committee on
12 Appropriations of the House of Representatives and to the
13 Committee on Foreign Relations and the Committee on
14 Appropriations of the Senate in accordance with the proce-
15 dures applicable to reprogramming notifications under
16 section 634A(a) of this Act.

17 “(e) EXCEPTIONS.—

18 “(1) IN GENERAL.—Subsection (a) shall not
19 apply with respect to the following:

20 “(A) ASSISTANCE TO INDEPENDENT ELEC-
21 TIONS COMMISSIONS.—Assistance to any Pales-
22 tinian independent election commission if the
23 President transmits to Congress a certification
24 that contains a determination of the President
25 that—

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

4 “(ii) each member of such commission
5 is independent of the influence of any po-
6 litical party or movement.

7 “(B) ASSISTANCE TO SUPPORT THE MID-
8 DLE EAST PEACE PROCESS.—Assistance to the
9 Office of the President of the Palestinian Au-
10 thority for non-security expenses directly re-
11 lated to facilitating a peaceful resolution of the
12 Israeli-Palestinian conflict or for the personal
13 security detail of the President of the Pales-
14 tinian Authority if the President transmits to
15 Congress a certification that contains a deter-
16 mination of the President that—

17 “(i) such assistance is critical to fa-
18 cilitating a peaceful resolution of the
19 Israeli-Palestinian conflict;

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

1 “(iii) such assistance will not be used
2 to provide funds to any individual who is
3 a member of or affiliated with a foreign
4 terrorist organization or who has not re-
5 jected the use of terrorism to resolve the
6 Israeli-Palestinian conflict; and

7 “(iv) such assistance will not be re-
8 transferred to any other entity within or
9 outside of the Palestinian Authority except
10 as payment for legal goods or services ren-
11 dered.

12 “(2) ADDITIONAL REQUIREMENTS.—Assistance
13 described paragraph (1) may be provided only if the
14 President—

15 “(A) determines that the provision of such
16 assistance is important to the national security
17 interests of the United States; and

18 “(B) not less than 30 days prior to the ob-
19 ligation of amounts for the provision of such
20 assistance—

21 “(i) consults with the appropriate con-
22 gressional committees regarding the spe-
23 cific programs, projects, and activities to
24 be carried out using such assistance; and

1 “(ii) submits to the appropriate con-
2 gressional committees a written memo-
3 randum that contains the determination of
4 the President under subparagraph (A).

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

7 “(A) the Committee on International Rela-
8 tions and the Committee on Appropriations of
9 the House of Representatives; and

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

13 “(f) DEFINITIONS.—In this section:

14 “(1) FOREIGN TERRORIST ORGANIZATION.—
15 The term ‘foreign terrorist organization’ means an
16 organization designated as a foreign terrorist organi-
17 zation by the Secretary of State in accordance with
18 section 219(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1189(a)).

20 “(2) PALESTINIAN AUTHORITY.—The term
21 ‘Palestinian Authority’ means the interim Pales-
22 tinian administrative organization that governs part
23 of the West Bank and all of the Gaza Strip (or any
24 successor Palestinian governing entity), including
25 the Palestinian Legislative Council.”.

1 (c) APPLICABILITY TO UNEXPENDED FUNDS.—Sec-
2 tion 620K of the Foreign Assistance Act of 1961, as
3 added by subsection (b), applies with respect to unex-
4 pended funds obligated for assistance under the Foreign
5 Assistance Act of 1961 to the Palestinian Authority before
6 the date of the enactment of this Act.

7 (d) REPORT BY COMPTROLLER GENERAL.—Not later
8 than 180 days after the date of the enactment of this Act,
9 the Comptroller General of the United States shall submit
10 to the appropriate congressional committees a report that
11 contains a review of the proposed procedures by which
12 United States assistance to the Palestinian Authority
13 under the Foreign Assistance Act of 1961 will be audited
14 by the Department of State, the United States Agency for
15 International Development, and all other relevant depart-
16 ments and agencies of the Government of the United
17 States and any recommendations for improvement of such
18 procedures.

19 (e) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the President should be guided by the principles
21 and procedures described in section 620K of the Foreign
22 Assistance Act of 1961, as added by subsection (b), in pro-
23 viding direct assistance to the Palestinian Authority under
24 any provision of law other than the Foreign Assistance
25 Act of 1961.

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

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

7 **“SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST**
8 **BANK AND GAZA.**

9 “(a) LIMITATION.—Except as provided in subsection
10 (d), assistance may be provided under this Act to non-
11 governmental organizations for the West Bank and Gaza
12 only during a period for which a certification described
13 in section 620K(b) of this Act is in effect with respect
14 to the Palestinian Authority.

15 “(b) MARKING REQUIREMENT.—Assistance provided
16 under this Act to nongovernmental organizations for the
17 West Bank and Gaza shall be marked as assistance from
18 the Government of the United States unless the Secretary
19 of State or the Administrator of the United States Agency
20 for International Development determines that such mark-
21 ing will endanger the lives or safety of persons delivering
22 or receiving such assistance or would have a material ad-
23 verse effect on the implementation of such assistance.

24 “(c) CONGRESSIONAL NOTIFICATION.—Assistance
25 made available under this Act to nongovernmental organi-
26 zations for the West Bank and Gaza may not be provided

1 until 15 days after the date on which the President has
2 provided notice thereof to the Committee on International
3 Relations and the Committee on Appropriations of the
4 House of Representatives and to the Committee on For-
5 eign Relations and the Committee on Appropriations of
6 the Senate in accordance with the procedures applicable
7 to reprogramming notifications under section 634A(a) of
8 this Act.

9 “(d) EXCEPTIONS.—Subsection (a) shall not apply
10 with respect to the following:

11 “(1) ASSISTANCE TO MEET BASIC HUMAN
12 HEALTH NEEDS.—The provision of food, water,
13 medicine, sanitation services, or other assistance to
14 directly meet basic human health needs.

15 “(2) OTHER TYPES OF ASSISTANCE.—The pro-
16 vision of any other type of assistance if the
17 President—

18 “(A) determines that the provision of such
19 assistance will further the national security in-
20 terests of the United States; and

21 “(B) not less than 25 days prior to the ob-
22 ligation of amounts for the provision of such
23 assistance—

24 “(i) consults with the appropriate con-
25 gressional committees regarding the spe-

1 cific programs, projects, and activities to
2 be carried out using such assistance; and

3 “(ii) submits to the appropriate con-
4 gressional committees a written memo-
5 randum that contains the determination of
6 the President under subparagraph (A) and
7 an explanation of how failure to provide
8 the proposed assistance would be incon-
9 sistent with furthering the national secu-
10 rity interests of the United States.

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

13 “(A) the Committee on International Rela-
14 tions and the Committee on Appropriations of
15 the House of Representatives; and

16 “(B) the Committee on Foreign Relations
17 and the Committee on Appropriations of the
18 Senate.”.

19 (b) OVERSIGHT AND RELATED REQUIREMENTS.—

20 (1) OVERSIGHT.—For each of the fiscal years
21 2007 and 2008, the Secretary of State shall certify
22 to the appropriate congressional committees not
23 later than 30 days prior to the initial obligation of
24 amounts for assistance to nongovernmental organi-
25 zations for the West Bank or Gaza under the For-

1 eign Assistance Act of 1961 that procedures have
2 been established to ensure that the Comptroller Gen-
3 eral of the United States will have access to appro-
4 priate United States financial information in order
5 to review the use of such assistance.

6 (2) VETTING.—Prior to any obligation of
7 amounts for assistance to nongovernmental organi-
8 zations for the West Bank or Gaza under the For-
9 eign Assistance Act of 1961, the Secretary of State
10 shall take all appropriate steps to ensure that such
11 assistance is not provided to or through any indi-
12 vidual or entity that the Secretary knows, or has
13 reason to believe, advocates, plans, sponsors, en-
14 gages in, or has engaged in, terrorist activity. The
15 Secretary shall, as appropriate, establish procedures
16 specifying the steps to be taken in carrying out this
17 paragraph and shall terminate assistance to any in-
18 dividual or entity that the Secretary has determined
19 advocates, plans, sponsors, or engages in terrorist
20 activity.

21 (3) PROHIBITION.—No amounts made available
22 for any fiscal year for assistance to nongovernmental
23 organizations for the West Bank or Gaza under the
24 Foreign Assistance Act of 1961 may be made avail-
25 able for the purpose of recognizing or otherwise hon-

1 oring individuals or the families of individuals who
2 commit, or have committed, acts of terrorism.

3 (4) AUDITS.—

4 (A) IN GENERAL.—The Administrator of
5 the United States Agency for International De-
6 velopment shall ensure that independent audits
7 of all contractors and grantees, and significant
8 subcontractors and subgrantees, that receive
9 amounts for assistance to nongovernmental or-
10 ganizations for the West Bank or Gaza under
11 the Foreign Assistance Act of 1961 are con-
12 ducted to ensure, among other things, compli-
13 ance with this subsection.

14 (B) AUDITS BY INSPECTOR GENERAL OF
15 USAID.—Of the amounts available for any fiscal
16 year for assistance to nongovernmental organi-
17 zations for the West Bank or Gaza under the
18 Foreign Assistance Act of 1961, up to
19 \$1,000,000 for each such fiscal year may be
20 used by the Office of the Inspector General of
21 the United States Agency for International De-
22 velopment for audits, inspections, and other ac-
23 tivities in furtherance of the requirements of
24 subparagraph (A). Such amounts are in addi-

1 tion to amounts otherwise available for such
2 purposes.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the President should be guided by the principles
5 and procedures described in section 620L of the Foreign
6 Assistance Act of 1961, as added by subsection (a), in pro-
7 viding assistance to nongovernmental organizations for the
8 West Bank and Gaza under any provision of law other
9 than the Foreign Assistance Act of 1961.

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

11 (a) REVIEW AND REPORT.—

12 (1) IN GENERAL.—Not later than 60 days after
13 the date of the enactment of this Act, the President
14 shall—

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

17 (B) transmit to the appropriate congres-
18 sional committees a report containing rec-
19 ommendations for the elimination of such enti-
20 ties and efforts that are duplicative or fail to
21 ensure balance in the approach of the United
22 Nations to Israeli-Palestinian issues.

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

1 (A) The United Nations Division for Pales-
2 tinian Rights.

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

5 (C) The United Nations Special Coordi-
6 nator for the Middle East Peace Process and
7 Personal Representative to the Palestine Lib-
8 eration Organization and the Palestinian Au-
9 thority.

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

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

16 (F) Any other entity the Secretary deter-
17 mines results in duplicative efforts or funding
18 or fails to ensure balance in the approach to
19 Israeli-Palestinian issues.

20 (b) IMPLEMENTATION OF RECOMMENDATIONS BY
21 PERMANENT REPRESENTATIVE.—

22 (1) IN GENERAL.—The United States Perma-
23 nent Representative to the United Nations shall use
24 the voice, vote, and influence of the United States at
25 the United Nations to seek the implementation of

1 the recommendations contained in the report re-
2 quired under subsection (a)(1)(B).

3 (2) WITHHOLDING OF FUNDS.—Until such rec-
4 ommendations have been implemented, the Secretary
5 of State is authorized to withhold from United
6 States contributions to the regular assessed budget
7 of the United Nations for a biennial period amounts
8 that are proportional to the percentage of such
9 budget that are expended for such entities.

10 (c) GAO AUDIT.—The Comptroller General shall
11 conduct an audit of the status of the implementation of
12 the recommendations contained in the report required
13 under subsection (a)(1)(B).

14 (d) WITHHOLDING OF FUNDS WITH RESPECT TO
15 THE PALESTINIAN AUTHORITY.—The Secretary of State
16 is authorized to withhold from United States contributions
17 to the regular assessed budget of the United Nations for
18 a biennial period amounts that are proportional to the per-
19 centage of such budget that are expended for any United
20 Nations affiliated or specialized agency that provides as-
21 sistance directly to the Palestinian Authority during any
22 period for which a certification described in section
23 620K(b) of the Foreign Assistance Act of 1961 (as added
24 by section 2(b)(2) of this Act) is not in effect with respect
25 to the Palestinian Authority.

1 **SEC. 5. DESIGNATION OF TERRITORY CONTROLLED BY THE**
2 **PALESTINIAN AUTHORITY AS TERRORIST**
3 **SANCTUARY.**

4 It is the sense of Congress that, during any period
5 for which a certification described in section 620K(b) of
6 the Foreign Assistance Act of 1961 (as added by section
7 2(b)(2) of this Act) is not in effect with respect to the
8 Palestinian Authority, the territory controlled by the Pal-
9 estinian Authority should be deemed to be in use as a
10 sanctuary for terrorists or terrorist organizations for pur-
11 poses of section 6(j)(5) of the Export Administration Act
12 of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of
13 the Foreign Relations Authorization Act, Fiscal Years
14 1988 and 1989 (22 U.S.C. 2656f).

15 **SEC. 6. DENIAL OF VISAS FOR OFFICIALS OF THE PALES-**
16 **TINIAN AUTHORITY.**

17 (a) IN GENERAL.—A visa shall not be issued to any
18 alien who is an official of, affiliated with, or serving as
19 a representative of the Palestinian Authority during any
20 period for which a certification described in section
21 620K(b) of the Foreign Assistance Act of 1961 (as added
22 by section 2(b)(2) of this Act) is not in effect with respect
23 to the Palestinian Authority.

24 (b) WAIVER.—Subsection (a) shall not apply—

25 (1) if the President determines and certifies to
26 the appropriate congressional committees, on a case-

1 by-case basis, that the issuance of a visa to an alien
2 described in such subsection is important to the na-
3 tional security interests of the United States; or

4 (2) with respect to visas issued in connection
5 with United States obligations under the Act of Au-
6 gust 4, 1947 (61 Stat. 756) (commonly known as
7 the “United Nations Headquarters Agreement
8 Act”).

9 **SEC. 7. TRAVEL RESTRICTIONS ON OFFICIALS AND REP-**
10 **RESENTATIVES OF THE PALESTINIAN AU-**
11 **THORITY AND THE PALESTINE LIBERATION**
12 **ORGANIZATION STATIONED AT THE UNITED**
13 **NATIONS IN NEW YORK CITY.**

14 The President shall restrict the travel of officials and
15 representatives of the Palestinian Authority and of the
16 Palestine Liberation Organization who are stationed at
17 the United Nations in New York City to a 25-mile radius
18 of the United Nations headquarters building during any
19 period for which a certification described in section
20 620K(b) of the Foreign Assistance Act of 1961 (as added
21 by section 2(b)(2) of this Act) is not in effect with respect
22 to the Palestinian Authority.

1 **SEC. 8. PROHIBITION ON PALESTINIAN AUTHORITY REP-**
2 **RESENTATION IN THE UNITED STATES.**

3 (a) PROHIBITION.—Notwithstanding any other provi-
4 sion of law, it shall be unlawful to establish or maintain
5 an office, headquarters, premises, or other facilities or es-
6 tablishments within the jurisdiction of the United States
7 at the behest or direction of, or with funds provided by,
8 the Palestinian Authority or the Palestine Liberation Or-
9 ganization during any period for which a certification de-
10 scribed in section 620K(b) of the Foreign Assistance Act
11 of 1961 (as added by section 2(b)(2) of this Act) is not
12 in effect with respect to the Palestinian Authority.

13 (b) ENFORCEMENT.—

14 (1) ATTORNEY GENERAL.—The Attorney Gen-
15 eral shall take the necessary steps and institute the
16 necessary legal action to effectuate the policies and
17 provisions of subsection (a).

18 (2) RELIEF.—Any district court of the United
19 States for a district in which a violation of sub-
20 section (a) occurs shall have authority, upon petition
21 of relief by the Attorney General, to grant injunctive
22 and such other equitable relief as it shall deem nec-
23 essary to enforce the provisions of subsection (a).

24 (c) WAIVER.—

25 (1) AUTHORITY.—The President may waive the
26 application of subsection (a) for a period of 180

1 days if the President determines and certifies to the
2 appropriate congressional committees that such
3 waiver is vital to the national security interests of
4 the United States and provides an explanation of
5 how the failure to waive the application of subsection
6 (a) would be inconsistent with the vital national se-
7 curity interests of the United States.

8 (2) RENEWAL.—The President may renew the
9 waiver described in paragraph (1) for successive 180-
10 day periods if the President makes the determina-
11 tion and certification described in such paragraph
12 for each such period.

13 **SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS.**

14 (a) UNITED STATES POLICY.—It shall be the policy
15 of the United States that the United States Executive Di-
16 rector at each international financial institution shall use
17 the voice, vote, and influence of the United States to pro-
18 hibit assistance to the Palestinian Authority during any
19 period for which a certification described in section
20 620K(b) of the Foreign Assistance of 1961 (as added by
21 section 2(b)(2) of this Act) is not in effect with respect
22 to the Palestinian Authority.

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

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

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

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

12 (1) recognizes Israel's right to exist;

13 (2) renounces the use of terrorism;

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

18 (4) recognizes and accepts all previous agree-
19 ments and understandings between the State of
20 Israel and the Palestine Liberation Organization and
21 the Palestinian Authority.

22 **SEC. 11. DEFINITIONS.**

23 In this Act:

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

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

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

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

Chairman HYDE. The Chair recognizes the gentlewoman from Florida to explain the bill, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Chairman. I would like to start, Mr. Chairman, by thanking you for working with Congressman Tom Lantos and with me on bringing this very important legislation for markup today. We have been discussing this for quite some time, and while the agreed-upon language that is before the Committee Members today may not be exactly what some of us envisioned, it is still a strong bill that addresses a Hamas-controlled Palestinian Authority. Most importantly, it has important mechanisms and safeguards in place, and it exerts the necessary congressional oversight to ensure that our U.S. taxpayer funds do not directly or indirectly finance or assist Hamas or any other foreign terrorist organization.

The recent victory of Hamas in the Palestinian elections created a condition that is threatening to the Israeli-Palestinian peace process and our United States interest in stabilizing that troubled region. The U.S. must make it unambiguously clear that it will not support or hold diplomatic relations with a terrorist group responsible for murdering hundreds and wounding thousands.

The Hamas Charter makes the terror group's mission of destroying Israel abundantly clear, and there has been no indication that the Islamic jihadists intend to renounce violence, recognize Israel, or commit to previously made agreements.

Just last week, the Palestinian Minister of Foreign Affairs said, "I dream of hanging a huge map of the world on the wall at my Gaza home which does not show Israel on it." He continued by saying that Hamas would not disarm, stressing that the Hamas government would continue supporting terrorist attacks against Israel.

Are these words of a leadership seeking peace with Israel? Of course, not. Their hatred consumes them. It prevents them from acting in a manner that is in the best interest of the Palestinian people. Their tactics not only threaten United States national security interests and foreign policy goals, but they also deny the Palestinian people a future of peace, a future of security with the state of Israel and the Jewish people.

I believe that this amendment before us is an appropriate response to the new realities on the ground, and I ask my colleagues to support this substitute text. Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Mr. Lantos?

Mr. LANTOS. Thank you very much, Mr. Chairman. It was my great pleasure to join with my friend and distinguished colleague, Ileana Ros-Lehtinen, in introducing the Palestinian Anti-Terrorism Act. I also want to recognize and thank several of my colleagues who have made extremely valuable contributions, particularly Mr. Ackerman.

It has also been an honor, Mr. Chairman, to work with you in bringing the bill to its present form and looking forward to its move onto the Floor.

At this point, Mr. Chairman, I normally would set out the rationale for our legislation, which is designed to isolate the new terrorist-controlled authority in the West Bank and Gaza, but just this week, as my friend has indicated, the new foreign minister of the terrorist government, Mahmoud Alzahar, did that far better

than I ever could. Summoning up his diplomatic best, in a press interview, he said, and I quote:

“I dream of hanging a huge map of the world on the wall at my Gaza home which does not show Israel on it. This dream will become real one day because there is no place for the state of Israel on this land.”

Let us leave aside for a moment the fact that he could fulfill his dream of seeing a map without Israel simply by opening any Palestinian textbook.

A day or so after his “I have a dream” remarks, the same diplomat-terrorist wrote a letter to Kofi Annan assuring him that the Hamas government would want to “live in peace with its neighbors.” This ignited a flurry of breathless articles written by the untutored and the congenitally ignorant who thought that he was saying that Hamas is ready to recognize Israel. Alzahrar quickly clarified that he did not mean to include Israel.

Mr. Chairman, we have an alarming situation in the Middle East, one which our legislation strives conscientiously and boldly to address. The Palestinian Authority is now governed by a group of killers who are the vision of the Iranian President that Israel should be wiped off the map. If anything, they adhere to Achmaddinajad’s vision more fervently and more obsessively than even he does.

It is, therefore, incumbent upon us, Mr. Chairman, as the ally and long-term supporter of our fellow democratic state of Israel, to do everything we can to demonstrate the bankruptcy of Hamas’s vision and to assure that Hamas remains too weak even to begin to implement its evil vision.

Our bill tries to do exactly that. We will end all aid to the Palestinian Authority with certain very narrow exceptions. We would also end all contact between United States diplomats and the Hamas-controlled Palestinian Authority. Our goal, Mr. Chairman, is not to punish the Palestinian people. Our goal is to demonstrate to them and to their government that hatred, murder, and non-recognition of neighbors is unacceptable, and they cannot accomplish anything if they show such contempt for the civilized world.

Accordingly, we want to make sure that the U.S. taxpayer is not the source of one penny of aid for which the Hamas government could claim credit, and we want to make sure that Hamas and its government are accorded absolutely no legitimacy by the United States or our representatives.

Our bill recognizes that humanitarian exigencies will arise and that we should be supportive of appropriate NGO activities.

Parenthetically, I would like to say, Mr. Chairman, that just this week, I have written a letter to Secretary Rice asking that the United States provide funding through appropriate channels to assist the Palestinians in dealing with a serious outbreak of bird flu in the Gaza Strip. I think we would all agree on continuing the United States tradition of dealing with the humanitarian needs of any people, including the Palestinian people.

Mr. Chairman, I am sickened by the fact that the Palestinians chose Hamas as their leader, and I am sickened by everything that

Hamas stands for. I believe every Member of this Committee shares my views in that regard.

H.R. 4681 demonstrates that America will stand firm in the fight against terrorism while remaining true to the hope for a peaceful Middle East. As EU ministers meet on Monday to decide their own policy toward Hamas, I hope that they will reflect on the action taken by this Committee today. Indeed, I hope that our action will serve as a model for the right policy to take against terrorists, however they take power, and on behalf of a democratic ally that is the target of the vilest threats and the most dangerous enemies of any nation in the world today. Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Mr. Ackerman is recognized for 5 minutes.

Mr. ACKERMAN. At the outset, Mr. Chairman, I would like to thank you, Mr. Lantos, and Ms. Ros-Lehtinen for agreeing to several of the amendments that I proposed last night. My amendments tighten up the conditions under which assistance would be provided to the West Bank and Gaza program and will prevent assistance from going to the families of individuals who have committed terrorist acts and will require the President, if he exercises his herein provided waiver, to explain why the failure to provide assistance under this program would undermine our national interests.

I believe the bill is a good one and should be supported, but I still have concerns regarding what I believe are large loopholes through which business as usual with a Hamas government could be conducted. In particular, I believe that assistance provided to President Abbas's office to "support the Middle East peace process" should be limited exclusively to those activities that are directly related to diplomatic representations or negotiations.

At this point, I do not know what sort of activities could be construed as facilitating a peaceful resolution of the Israeli-Palestinian peace process.

I also believe that the waiver standard for providing other types of assistance is far too low. Is there any kind of assistance the President could not describe as "important to the national security interests of the United States"? I think the original "vital to the national security" standard is better and should have been retained, and I am certain that we will come to rue this change.

The policy outcome we are trying to achieve is significant enough that the President should have been held to a higher standard.

Lastly, I propose that set of fast-track procedures under which the bill and its limits on assisting the PA should become law would have been repealed if the President was actually able to make the certification required in Section 2[b]. I believe that it is important to show non-Hamas Palestinians that the Congress is prepared to act expeditiously to assist them if they meet the conditions set in the certification. I also thought it was important to show the President that Congress would not tie his hands indefinitely if he were able to make that certification.

Unfortunately, that amendment was not made an order, but while I do not believe Hamas will change, I continue to believe that Congress should be prepared to act quickly should conditions in the West Bank and Gaza change in the positive ways laid out in this

legislation, and we should have the legal ability to respond in kind. Instead, we have hog tied ourselves.

Mr. Chairman, as I said at the Committee hearing last month, the Palestinian people knew what they were doing when they voted for Hamas. They knew Hamas is a designated terrorist organization. They knew Hamas is committed to the extermination of Israel. They knew it would mean a cutoff of assistance from the West. They knew all of this. So the question before us is whether or not there will be consequences.

We must hold the line against Hamas. If we accept Hamas, even if we legitimize them even a little bit, we will send an unmistakable signal that benefits without cost and actions without consequences are not, in fact, beyond the reach of the determined. We cannot afford to send that signal. We cannot afford to demonstrate that Hamas, its ideologies, and its methods are anything but a pathway to isolation, misery, and failure. Hamas must not only fail; it must be seen to fail if there is any hope of peace in the Middle East.

I am not suggesting that this failure should be the result of our intervention. Hamas must be seen to have failed on its own. We can, however, be clear about what our goals are. We can be clear about where we spent our taxpayers' money. We can be clear to the Palestinian people about what they can expect from our nation once Hamas has been cast from power.

I think the bill gets us part way there, not all the way. The bill is incremental. Alas, life is incremental; you get it 1 day at a time, and we will take it. Thank you, Mr. Chairman.

Chairman HYDE. Thank you. The Chair understands that only three Members have amendments at the desk. Without objection, the Committee will consider these three amendments for 10 minutes each, equally divided.

Mr. ACKERMAN. Reserving the right to object.

Chairman HYDE. Pardon?

Mr. ACKERMAN. Reserving the right to object.

Chairman HYDE. The gentleman reserves the right to object, but let me name the three amendments: Ms. Berkley, Mr. Sherman, and Mr. Issa.

Mr. ACKERMAN. On my reservation, Mr. Chairman, I was going to ask for the names to just determine if there was anybody else on the Committee that wished to offer an amendment.

Chairman HYDE. Well, I will ask that now. Are there any other amendments? There are none.

Mr. ACKERMAN. Mr. Chairman, I withdraw my objection, and thank you very much.

Chairman HYDE. Thank you. Without objection, we will consider these three amendments for 10 minutes each, equally divided, and we will start out with Ms. Berkley. The clerk will report the Berkley amendment.

Ms. RUSH. Amendment to the amendment in the nature of a substitute to H.R. 4681 offered by Ms. Berkley of Nevada. Strike subsection [d] of Section 620[1] of the Foreign Assistance Act of 1961, as proposed to be added by Section 3[a] of the amendment.

[The information referred to follows:]

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4681
OFFERED BY MS. BERKLEY OF NEVADA**

Strike subsection (d) of section 620L of the Foreign Assistance Act of 1961 (as proposed to be added by section 3(a) of the amendment).

Chairman HYDE. The Chair recognizes Ms. Berkley for 5 minutes in support of her amendment.

Ms. BERKLEY. I thank you, Mr. Chairman, and I particularly appreciate your courtesy in allowing me to introduce this amendment. I would like to thank Congresswoman Ros-Lehtinen and Congressman Tom Lantos for not only their steadfast support in introducing this legislation but their good advice to me, as always.

Mr. Chairman, my amendment strikes the broad-based exception for NGO funding in the West Bank and Gaza. The problems that the Palestinians have have little to do with money. The problem is a complete failure of leadership. The United States has been providing an average of \$85 million per year to the Palestinians since 1993. Not counting inflation, this comes to over a billion dollars of American taxpayers' money.

Since the 1993 Oslo Accord, the United States has given more than \$1.8 billion to the Palestinians. In that same time, we have given over \$130 million directly to the Palestinian Authority. We have provided direct aid to the Palestinian Authority three times: \$36 million in 1994, \$20 million in 2003, and \$20 million again in 2005. Since 1975, we have provided over \$1.2 billion in assistance to the West Bank and Gaza. Between 1994 and 1998, American taxpayers have given \$65.8 million to expand economic opportunity in the Palestinian-controlled areas and \$85 million to help the Palestinian people establish their own government. We have given this assistance despite no accountability, no modern financial controls, no transparency, and no actual knowledge of what our tax dollars are actually paying for.

Enough is enough. Congress has already spoken on this issue. In February, a concurrent resolution was passed expressing the sense of Congress that no U.S. assistance should be provided directly to the Palestinian Authority if the PA maintains a position calling for the destruction of Israel.

I am an original co-sponsor of the legislation we are considering. However, I have a number of concerns regarding the version of this bill that the Committee is considering today. The substitute amendment contains a number of broad-based exceptions to our policy of eliminating aid to the PA. It grants direct aid to Abu

Mazen for nonsecurity expenses directly related to facilitating a peaceful resolution of the Israeli-Palestinian conflict. It also grants direct aid for his person security detail. Abu Mazen is a powerless and ineffective leader. Since being elected President, he has had every opportunity to create peace with the Israelis and establish a Palestinian state. He would not or could not even take the first step to disarm the terrorists and end the violence against Israel.

Why is the United States propping him up? Why are our tax dollars being used to support this guy?

The bill also grants a broad-based exception for the indirect aid within the West Bank and Gaza. Why should Americans be forced to foot the bill when the PA is unable to provide us with an accounting for the literally billions of dollars that we spend? With all of the money that the United States has spent, with all of the international aid from the NGOs, the Palestinian people still live in misery and poverty. It is time for the Palestinian leadership and the Palestinian people to stop blaming Israel. One only has to look at the disengagement in the Gaza to see that the Palestinians had an opportunity to demonstrate the ability for self-governance; instead, we have chaos.

After decades of aid and billions of dollars, it boggles my mind that there is no economic self-sufficiency and no improvement in the quality of life of the Palestinian people. Why is this? Because it is not about money, Mr. Chairman; it is about the Palestinian Authority's failing to do what any responsible government would have done with several billion dollars: Build infrastructure, improve health care, provide economic opportunities, improve education, and move their people into the 21st century.

The money is not going to housing. Palestinians continue to live in retched conditions in refugee camps with corrugated tin roofs and dilapidated, ramshackle huts.

The money is not going to schools. If it was, Palestinian children would not be rioting in the streets. They would be sitting in classrooms being trained as the next generation of doctors and engineers to lead their people into the 21st century instead of future terrorists and suicide bombers.

The Palestinian Authority continues to be financially corrupt and morally bankrupt, and that is why the Palestinian people turned to Hamas, the most dangerous terrorist organization operating today, to get their basic needs met.

The problem is not a lack of money. The Palestinian leadership is either unable or unwilling to provide for the basic needs of its people. It is either unwilling or unable to lift them out of poverty. It is either unable or unwilling to prepare them for statehood and self-sufficiency. Until they disarm the terrorists and dismantle the terrorist organizations, Abu Mazen and the Palestinian leadership are sentencing their people to continued misery, year after year and generation after generation.

The problem is a lack of leadership, a lack of vision, a lack of hope for the future, not a lack of money. Mr. Chairman—

Chairman HYDE. The gentlelady's time has expired.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent that the gentlelady be permitted to finish her statement.

Ms. BERKLEY. It will take about a minute and a half, Mr. Chairman.

Chairman HYDE. We can survive that. Go ahead.

Ms. BERKLEY. Thank you, Mr. Chairman, again for your graciousness.

Mr. Chairman, if our money has not done any good, why are we giving more? Until we get some answers, we should not give any more money. We should be asking for a refund.

I long for peace. I am here in Congress in order to effectuate a meaningful peace in the Middle East. I want a two-state solution, a Palestinian state living side by side with the Jewish state of Israel. Palestinians have it in their power to alleviate the suffering of their people, create a Palestinian state, create a future of hope and peace for the Palestinian children. We continue to be enablers for a policy that is wrong and does not work, and it has been proven time and time again.

Let us insist that before we give any aid which is fungible that the Palestinian Authority and Hamas recognize Israel's right to exist and bring true peace to the Middle East. That is what I long for. That is what everybody in Congress should be longing for, and that is what this legislation should say.

I thank you very much, Mr. Chairman, for allowing me to speak my mind.

Ms. ROS-LEHTINEN. Mr. Chairman?

Chairman HYDE. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. I would like to claim time in opposition to the amendment.

Chairman HYDE. Mr. Ros-Lehtinen will receive 7 minutes to have parity with Ms. Berkley.

Ms. ROS-LEHTINEN. Thank you so much. I will speak for a few minutes and yield the balance of my time to Mr. Lantos.

While I fully understand the frustration and the concerns that drive Ms. Berkley to offer this amendment—she is a dear friend, someone whom I hold in high esteem—we have worked together on so many issues, especially related to the Middle East and specifically to Israel—I must, regrettably, oppose the Berkley Amendment, and let me explain why.

The text of the bill has exceptions to continue to assist the Palestinian people in meeting their basic, human health needs. The focus of the bill that I introduced with Mr. Lantos is on Hamas, a Hamas-controlled Palestinian Authority, and on all other Palestinian terrorist organizations. Let us not lose focus of what this bill attempts to do. The target of our bill is not the Palestinian people. Not all Palestinians voted for Hamas. Not all Palestinians hate Israel. Not all Palestinians hate the Jewish people. Not all Palestinians advocate terror and violence against the Israeli state and its people, and, as such, we should be careful not to throw out the baby with the bath water.

We must, therefore, follow a carefully crafted approach that meets our U.S. national security needs and our foreign policy goals, including going through NGOs. I believe that this substitute text provides this calibrated approach.

I would like to remind my dear friend, Ms. Berkley, that she co-sponsored the original text with the exceptions that she seeks to

now strike. The primary difference between the provisions in the introduced text and the substitute text is the congressional notification timeframe, which is slightly reduced in the substitute text.

Again, I understand, and I agree with the overarching concerns of Ms. Berkley, but I believe that the substitute text addresses those concerns, and let us not lose focus of what this bill is all about, which is to deny our hard-working, U.S. taxpayer dollars to go to Hamas.

With that, Mr. Chairman, I would like to yield the balance of my time to Mr. Lantos.

Mr. LANTOS. I want to thank my friend and co-author for yielding, and I want to comment, first of all, my very dear friend, Ms. Berkley, for her powerful and eloquent statement.

I both understand and share the concerns of the gentlelady from Nevada, yet I think it is imperative that the United States be able to continue humanitarian assistance to the Palestinian people. It is not in our interest or for any country in the region for there to be a humanitarian crisis in the West Bank and Gaza. The Administration also needs some flexibility to respond to nonhumanitarian needs, working through appropriate NGOs.

The provision the gentlelady would remove is part of a carefully crafted compromise to ensure both congressional oversight and consultation, in some cases, and extended period of consultation, before the Administration could go forward with assistance under this provision. The removal of this provision, I think, could be a setback for the future of this legislation, a result which I am sure the gentlelady does not desire.

Despite its obvious merits, I cannot support the amendment of my good friend from Nevada, and I would ask the gentlelady, for the sake of the overall bill, to withdraw her amendment. Thank you, Mr. Chairman.

Mr. ACKERMAN. Mr. Chairman?

Chairman HYDE. Who seeks recognition?

Mr. ACKERMAN. Mr. Ackerman.

Chairman HYDE. Mr. Ackerman.

Mr. ACKERMAN. Thank you.

Chairman HYDE. Just a moment. Ms. Ros-Lehtinen controls the time, so if you are to speak, she must yield to you.

Mr. ACKERMAN. Well, she might yield back her time if she has nothing further, and I will speak on my own time.

Ms. ROS-LEHTINEN. I would be glad to yield my remaining time to Mr. Ackerman.

Mr. ACKERMAN. How much time is remaining?

Chairman HYDE. You will have 3 minutes and 56 seconds.

Mr. ACKERMAN. Plus 5 minutes on my own, Mr. Chairman.

Chairman HYDE. No. I am talking about Ms. Ros-Lehtinen has left.

Mr. ACKERMAN. Yes, but I can be recognized—

Ms. ROS-LEHTINEN. No. We had already agreed 10 minutes. Reclaiming my time, we had already agreed to—

Mr. ACKERMAN. My recollection indicates that by unanimous consent in the case of this amendment, it was extended 2 minutes, both for Ms. Ros-Lehtinen and both for Ms. Berkley.

Ms. ROS-LEHTINEN. That is right, and now of my 7 minutes, Mr. Ackerman, we have 3 minutes and 56 seconds.

Mr. ACKERMAN. Well, I used to teach the old math, but five and five are 10, which is the 10. If you extended it by two and two, that is four. You subtract the four, there is still time left.

Ms. ROS-LEHTINEN. The gentleman continues to use up so much of the time arguing this math every time we have an amendment. If you could just get to the point, Mr. Ackerman.

Mr. ACKERMAN. I do not need to be chastised by you, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. I think that that is what you were doing to me.

Mr. ACKERMAN. No, I was not. I was suggesting that——

Ms. ROS-LEHTINEN. I yield back the balance of my time, Mr. Chairman.

Chairman HYDE. All right.

Mr. ACKERMAN. Mr. Chairman, I seek recognition.

Chairman HYDE. You need unanimous——

Ms. ROS-LEHTINEN. I object.

Mr. ACKERMAN. Mr. Chairman? Mr. Chairman?

Chairman HYDE. The Chair recognizes Ms. Berkley.

Mr. ACKERMAN. Mr. Chairman? Mr. Chairman?

Chairman HYDE. I have recognized Ms. Berkley.

Ms. BERKLEY. Thank you, Mr. Chairman. I feel passionately about this amendment.

Mr. ACKERMAN. Point of order, Mr. Chairman.

Chairman HYDE. State your point of order.

Mr. ACKERMAN. Is there time left or not?

Chairman HYDE. The gentlelady is about to withdraw her amendment, and I am not about to stop her. So please let her do that.

Mr. ACKERMAN. I just have 30 seconds, Mr. Chairman, and I am just trying to get my oar in the water, and I try to do so according to the rules.

Ms. ROS-LEHTINEN. We have given the gentleman 4 minutes.

Chairman HYDE. Go ahead. Take 30 seconds, Mr. Ackerman, if we can settle for that. We will interrupt Ms. Berkley.

Ms. BERKLEY. With pleasure.

Chairman HYDE. I do not believe it is a polite thing to do, but go ahead.

Mr. ACKERMAN. I price the Chair's consideration. I just wanted to say, having listened to Ms. Berkley's statement, that the Committee did not actually enjoy—somebody on this Committee, at least one, if not many, actually enjoyed it, and thank you for your passionate remarks.

Chairman HYDE. Ms. Berkley?

Ms. BERKLEY. Thank you, Mr. Ackerman.

Mr. Chairman, I believe passionately in this amendment. I think that we have been making the same mistake year after year after year when the Palestinians have it in their power to bring a true peace to the Middle East and to provide for their family and the welfare of the Palestinian people.

But in the interest of cooperation and knowing how hard everybody worked in order to bring this to the Committee and how anx-

ious we are to have this legislation passed, and in deference to my good friend, Congressman Lantos, who has requested that I withdraw this amendment, I do withdraw this amendment with reservations, and I will be voting for the underlying bill.

Mr. LANTOS. I want to thank my friend.

Chairman HYDE. It is now an order to consider an amendment by Mr. Sherman. The clerk will read the amendment.

Ms. RUSH. Amendment offered by Mr. Sherman to the amendment in the nature of a substitute offered by Ms. Ros-Lehtinen, Mr. Lantos, and Mr. Hyde to H.R. 4681. Page 12, strike line 15 and all that follows through line 10 on page 13 and make appropriate conforming amendments.

[The information referred to follows:]

Amendment offered by Mr. Sherman to the amendment in the nature of a substitute offered by Mrs. Ros-Lehtinen, Mr. Lantos, and Mr. Hyde to H. R. 4881

Page 12, strike line 15 and all that follows through line 10 on page 13 (and make appropriate conforming amendments).

Chairman HYDE. Mr. Sherman is recognized for 5 minutes, and someone in opposition is recognized for 5 minutes. So we will go to Mr. Sherman now for 5 minutes in support of his amendment.

Mr. SHERMAN. My amendment is far less strict than that of Ms. Berkley. It provides far more flexibility to the Administration. I heard Ms. Ros-Lehtinen and Mr. Lantos talk about why it would be important to provide humanitarian aid to the Palestinians. My amendment would allow such humanitarian aid, and in the rules of the bill itself would provide an exception and allow assistance to meet basic, human health needs, including the provision of food, water, medicine, sanitation, or other assistance to meet basic, human health needs.

The question before us is whether we are going to allow this Administration to provide development aid to build buildings and ports simply because it decides that is what it wants to do.

The world situation is this: The Palestinian people have voted in favor of a program of ethnic cleansing and genocide and destruction of the state of Israel. Contrast that with so many innocent populations, for example, in Sub-Saharan Africa where populations do not even get the aid they need from the United States for food and survival, and clearly we should, at this time, not be providing development aid and port construction, et cetera, to the Palestinians at a time when we cannot provide even food for those in desperate need of humanitarian aid.

So I offer an amendment that leaves in the bill the provision that allows the Administration to meet those basic human needs but removes from the bill a provision that would allow the Administration, on notice to Congress—everything is notified—you can read the newspapers—giving us official notice provides us with little additional reading material. The current bill allows the Administration to provide that kind of development aid.

Now, there may come a time when, after hearings, this Committee, involved in the foreign policy of this nation, decides that development aid for the Palestinians is called for, but let us be involved in foreign policy instead of handing the Administration a blank check at a time when Hamas is in control of the Palestinian Authority.

So if we want to be involved, we can give the Administration the flexibility to meet basic human needs, should it decide to do so, and, at the same time, wait for further hearings, wait for further legislation before we provide developmental aid.

One other thing. Under my amendment, obviously, if Hamas changes its position, or if the Palestinian Authority comes under different leadership, then the Administration could go ahead and provide that developmental assistance.

So let us pass a bill with teeth. Let us say to the Palestinians that we are there to meet your basic human needs but that we need to see a change in the position of the Palestinian Authority. If I have remaining time, I yield to the gentleman from New York, Mr. Engel.

Mr. ENGEL. I thank the gentleman for yielding to me, and I want to strongly support his amendment. When we talk about an exception for other types of assistance, we are, in essence, talking about an exception for everything. We are giving a blanket waiver. You could drive a Mack truck through other types of assistance. So I do not know what we might want to provide under other types of assistance.

I agree that there needs to be flexibility for the Executive Branch. It is important in this type of legislation, but this, to me, seems like a rather wide exception, even with the national security interest determination currently in the legislation.

So while we understand that we want to get aid and humanitarian relief to innocent people, it makes no sense to me if we are putting forth a resolution which is an important policy statement, and then we are essentially gutting the entire resolution by giving the President virtually a blank check to provide whatever type of assistance the Administration might want, that really obviates the whole thing that we are trying to do here today.

So I think that if Mr. Sherman's amendment passes, we clearly have aid, humanitarian aid, to the Palestinian people, but we do not allow virtually any type of aid that would aid and abet Hamas. I think what Ms. Berkley was trying to do was to say that the Palestinians voted for Hamas with their eyes wide open, and, yes, it was a democratic election, but, you know, with every election there are consequences, and one of the consequences of their electing Hamas ought to be that we have no obligation to give a blanket waiver to provide any and all sorts of aid just because the Executive Branch, at some given time, may determine that that is what they need.

So I commend Mr. Sherman, and I hope everyone votes for his amendment.

Chairman HYDE. The gentleman's time has expired.

Ms. ROS-LEHTINEN. Mr. Chairman?

Chairman HYDE. The gentlelady from Florida is recognized in opposition for 5 minutes.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I would like to yield to Mr. Lantos, and then I will yield to Mr. Berman in opposition, and the remaining time, I would like to give it to Mr. Issa, who will speak on this issue and thereby not offer his amendment. So we will then be wrapping it up rather early.

Mr. Lantos, thank you, my friend.

Mr. LANTOS. I want to thank my friend for yielding, and for the sake of squeezing everything into the 5 minutes, let me just say, as I did vis-a-vis Ms. Berkley's amendment, I see some merit in the amendment, but I think there is an overarching consideration here. What we have before us is a carefully crafted compromise that the Chairman and I and others who have been involved with this legislation have agreed on, and I think to dismantle it at this stage would be a serious strategic mistake. Therefore, I am constrained to oppose the gentleman's amendment.

Ms. ROS-LEHTINEN. And, Mr. Chairman, I would like to yield to Mr. Berman, if I may.

Chairman HYDE. Mr. Berman is recognized for 3 minutes and 49 seconds.

Mr. BERMAN. Then where will Mr. Issa be? He will then offer his amendment. I will restrain myself.

I want to join the Chair, the Chair of the Subcommittee, and the Ranking Member of the Full Committee in urging the Members to reject this amendment. This is a very good bill, and it is the right focus. It focuses on a Palestinian Authority controlled by a terrorist organization, and it says, by its terms, we are not trying to damage in a very fundamental way the Palestinian people.

The irony is if this amendment were to pass, you could give aid directly to the Hamas-controlled Palestinian Authority for independent election commissions, for peace process and democracy building, but to an NGO that was opposed to Hamas, to an NGO that was controlled by independents like Salaam Fayad or others who had projects in the context of democracy building in terms of a housing program, in terms of a child care program, the President could not even use his waiver authority.

Ms. ROS-LEHTINEN. Excellent point, Mr. Berman.

Reclaiming my time, Mr. Chairman, I would like to yield to Mr. Issa.

Mr. ISSA. Thank you, Mr. Chairman, and thank you, Madam Chairwoman.

The balance that this bill represents, and this bill—I will not say if it is a good bill or a bad bill, but it is clearly a necessary piece of legislation. The outcome of this election is beyond regrettable, and it will be felt by the Palestinians and their impact on the peace process for years to come.

Mr. Chairman, I just want to make the point that only 44 percent of Palestinians voted for Hamas, and in the districts, only 36 and a half percent. We taught the Palestinians a lot about elections. Unfortunately, we did not teach them properly how to form a coalescing, two-party system, and as a result, a minority vote led to control of the Parliament. And I cannot bring myself to punish the minority of Palestinians or the majority of Palestinians in this case who voted for a two-state solution and a party or parties of

two-state solutions who voted for peace, who longed for nothing better than to put their children into a real, free, democratic state.

I would have offered my amendment. If this amendment that is being considered now fails, I do not expect to offer mine because, again, it is a delicate balance, and mine will not be necessary if this balance is maintained.

I would like to ask all of my colleagues, in considering voting against this amendment, to look at just the first line of the bill: "To promote the development of democratic institutions in areas under administrative control of the Palestinian Authority and for other purposes."

We do not like the outcome of this election, and neither do the majority of Palestinians, and they will suffer for their poor organizational skills that led to a minority taking control of the Parliament. And we have talked about Mahmoud Abbas and Salaam Fayed and other moderates who the Sharon Government embraced, worked with, and provided funds to directly. They are, in fact, harmed in this, and I reject any abandonment of people as though abandoning the goal of democracy in a two-state solution would, in fact, lead to a better outcome. I know the Israeli people do not believe that, and I do not believe, in the name of the Israeli people, that we should go overboard beyond the necessary balance that this bill strikes, and with that, I urge, urge, you to defeat this amendment and consider the bill as is, and I yield back.

Ms. ROS-LEHTINEN. Thank you.

Mr. BERMAN. Mr. Chairman, could I ask unanimous consent to have 30 seconds to clarify a comment that confused Mr. Wexler and, therefore, I assume, confused everybody?

Ms. ROS-LEHTINEN. I think we still have time.

Mr. BERMAN. The bill allows an exception for aid to the Palestinian Authority President even as Hamas controls the government for peace process and election commission and democracy building. If this amendment were to pass, the President could not even certify a waiver for assistance to nongovernmental organizations which were anti-Hamas to do some of those things. That is why I thought we should vote no on this amendment.

Mr. SHERMAN. If I could be recognized for 30 seconds, I believe my amendment does leave open, without the need to certify that Hamas is no longer in control, democracy aid. My amendment is focused on development aid. There is another section of the bill that deals with the democracy aid.

Mr. BERMAN. That is what I am saying. My point is you are allowing aid to go to the Palestinian Authority while Hamas is in control for certain purposes, but by your amendment, you are eliminating the ability to give aid for those same purposes to nongovernmental organizations which are anti-Hamas, and that makes no sense.

Mr. SHERMAN. I think I can be confident that this Administration is not going to try to find a loophole.

Mr. BERMAN. Then why are you trying to get rid of the certification of a waiver?

Chairman HYDE. The Chair must try to rein in the Committee and get it back on track. Mr. Lantos seeks recognition.

Mr. LANTOS. Thank you very much, Mr. Chairman. Recognizing validity in Mr. Sherman's argument, I would nevertheless like to ask him, as I asked Ms. Berkley, to withdraw his amendment. I think it is undesirable for the broader and longer-range purposes of what we are trying to achieve with this legislation to have divisive votes on amendments, however meritorious. If the gentleman would be gracious enough to withdraw his amendment, we could move on to final passage; otherwise, we shall vote on a divisive amendment, and I personally will vote against it.

Chairman HYDE. Mr. Sherman?

Mr. SHERMAN. I wonder if the Chairman could work with me to improve the bill, at least slightly, and put some restrictions on development aid, and if so, I would withdraw my amendment and simply work in good faith with the Chairman.

Chairman HYDE. Well, if our staff will talk to your staff, will that satisfy you?

Mr. SHERMAN. As long as we are working toward that goal.

Mr. LANTOS. I appreciate my friend's gesture.

Chairman HYDE. We will do our best. Does the gentleman withdraw his amendment?

Mr. SHERMAN. If we can work toward that goal together in good faith, Mr. Chairman, I withdraw my amendment.

Chairman HYDE. Well, Mr. Sherman, we can agree to work with the gentleman on the legislation, whatever that implies.

Mr. SHERMAN. I withdraw my amendment.

Chairman HYDE. Mr. Issa has an amendment.

Mr. ISSA. I withdraw my amendment. Not necessary in light of the other two withdrawals.

Chairman HYDE. Very well. The question occurs on the amendment in the nature of a substitute. All of those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it, and the amendment is agreed to.

The question occurs on the motion to report the bill favorably as amended. All of those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, no.

Mr. LANTOS. Mr. Chairman, on that, I request a recorded vote.

Chairman HYDE. A recorded vote has been requested, and the clerk will call the roll.

Ms. RUSH. Mr. Leach?

[No response.]

Ms. RUSH. Mr. Smith of New Jersey?

[No response.]

Ms. RUSH. Mr. Burton?

Mr. BURTON. Aye.

Ms. RUSH. Mr. Burton votes yes. Mr. Gallegly?

Mr. GALLEGLY. Aye.

Ms. RUSH. Mr. Gallegly votes yes. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Yes.

Ms. RUSH. Ms. Ros-Lehtinen votes yes. Mr. Rohrabacher?

Mr. ROHRABACHER. Yes.

Ms. RUSH. Mr. Rohrabacher votes yes. Mr. Royce?
 Mr. ROYCE. Yes.
 Ms. RUSH. Mr. Royce votes yes. Mr. King?
 Mr. KING. Yes.
 [No response.]
 Ms. RUSH. Mr. Chabot?
 Mr. CHABOT. Aye.
 Ms. RUSH. Mr. Chabot votes yes. Mr. Tancredo?
 Mr. TANCREDO. Yes.
 Ms. RUSH. Mr. Tancredo votes yes. Mr. Paul?
 [No response.]
 Ms. RUSH. Mr. Issa?
 Mr. ISSA. Yes.
 Ms. RUSH. Mr. Issa votes yes. Mr. Flake?
 Mr. FLAKE. Yes.
 Ms. RUSH. Mr. Flake votes yes. Mrs. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. Yes.
 Ms. RUSH. Mr. Green votes yes. Mr. Weller?
 Mr. WELLER. Aye.
 Ms. RUSH. Mr. Weller votes yes. Mr. Pence?
 [No response.]
 Ms. RUSH. Mr. McCotter?
 Mr. MCCOTTER. Yes.
 Ms. RUSH. Mr. McCotter votes yes. Ms. Harris?
 Ms. HARRIS. Yes.
 Ms. RUSH. Ms. Harris votes yes. Mr. Wilson?
 Mr. WILSON. Yes.
 Ms. RUSH. Mr. Wilson votes yes. Mr. Boozman?
 Mr. BOOZMAN. Yes.
 Ms. RUSH. Mr. Boozman votes yes. Mr. Barrett?
 Mr. BARRETT. Aye.
 Ms. RUSH. Mr. Barrett votes yes. Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. Yes.
 Ms. RUSH. Mr. Fortenberry votes yes. Mr. McCaul?
 Mr. MCCAUL. Yes.
 Ms. RUSH. Mr. McCaul votes yes. Mr. Poe?
 Mr. POE. Yes.
 Ms. RUSH. Mr. Poe votes yes. Mr. Lantos?
 Mr. LANTOS. Yes.
 Ms. RUSH. Mr. Lantos votes yes. Mr. Berman?
 Mr. BERMAN. Aye.
 Ms. RUSH. Mr. Berman votes yes. Mr. Ackerman?
 Mr. ACKERMAN. Yes.
 Ms. RUSH. Mr. Ackerman votes yes. Mr. Faleomavaega?
 Mr. FALEOMAVAEGA. Yes.
 Ms. RUSH. Mr. Faleomavaega votes yes. Mr. Payne?
 [No response.]
 Ms. RUSH. Mr. Brown?
 [No response.]
 Ms. RUSH. Mr. Sherman?

Mr. SHERMAN. Yes.
 Ms. RUSH. Mr. Sherman votes yes. Mr. Wexler?
 Mr. WEXLER. Yes.
 Ms. RUSH. Mr. Wexler votes yes. Mr. Engel?
 Mr. ENGEL. Yes.
 Ms. RUSH. Mr. Engel votes yes. Mr. Delahunt?
 [No response.]
 Ms. RUSH. Mr. Meeks?
 Mr. MEEKS. Aye.
 Ms. RUSH. Mr. Meeks votes yes. Ms. Lee?
 [No response.]
 Ms. RUSH. Mr. Crowley?
 Mr. CROWLEY. Aye.
 Ms. RUSH. Mr. Crowley votes yes. Mr. Blumenauer?
 Mr. BLUMENAUER. No.
 Ms. RUSH. Mr. Blumenauer votes no. Ms. Berkley?
 Ms. BERKLEY. Aye.
 Ms. RUSH. Ms. Berkley votes yes. Ms. Napolitano?
 [No response.]
 Ms. RUSH. Mr. Schiff?
 Mr. SCHIFF. Aye.
 Ms. RUSH. Mr. Schiff votes yes. Ms. Watson?
 [No response.]
 Ms. RUSH. Mr. Smith of Washington?
 Mr. SMITH OF WASHINGTON. Aye.
 Ms. RUSH. Mr. Smith of Washington votes yes. Ms. McCollum?
 Ms. MCCOLLUM. No.
 Ms. RUSH. Ms. McCollum votes no. Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes. Mr. Cardoza?
 Mr. CARDOZA. Aye.
 Ms. RUSH. Mr. Cardoza votes yes. Mr. Carnahan?
 Mr. CARNAHAN. Yes.
 Ms. RUSH. Mr. Carnahan votes yes. Chairman Hyde?
 Chairman HYDE. Yes.
 Ms. RUSH. Chairman Hyde votes yes.
 Mr. SMITH OF NEW JERSEY. Mr. Chairman, I vote aye.
 Ms. RUSH. Mr. Smith of New Jersey votes yes.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. On this vote, there are 36 yeases and two noes.
 Chairman HYDE. The motion to report favorably is adopted, and without objection, the staff is directed to make any technical and conforming changes, and without objection, statements for the record will be received for 5 days. And I congratulate the Committee on dealing with a very volatile, difficult subject successfully. Thank you. The Committee stands adjourned.
 [Whereupon, at 2:18 p.m., the Committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHERROD BROWN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OHIO

Thank you, Mr. Chairman,

I am pleased the committee is considering HR 4681, the Palestinian Anti-Terrorism Act.

HR 4681 articulates a simple—yet vitally important—principle: there is no role in the global community for governments that deploy, accommodate or tolerate terrorists.

Abiding terrorism is itself an act of terror.

Terrorism is incompatible with international stability and peace in the Middle East.

The United States must not directly or indirectly subsidize terrorism by financing governments that embrace it.

Hamas clearly views terrorism toward Israel as a brave and righteous act. It is actually a cowardly and depraved one.

This legislation asserts that our country will not engage with terrorists, whether they build the bomb or venerate the bomber.

I am proud to be a cosponsor of HR 4681, and I urge my colleagues to support it.

Thank you, Mr. Chairman.

PREPARED STATEMENT OF THE HONORABLE DARRELL ISSA, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, thank you for holding this mark-up today on H.Res. 697 and H.R. 4681, the Palestinian Anti-Terrorism Act of 2006.

The need to ensure that U.S. funds do not support the terrorist group Hamas is obvious and I applaud the Administration for taking strong and decisive steps to prevent this from occurring. Congress has the legislative responsibility of authorizing funding, including foreign assistance, and it is appropriate for Congress to take action on this matter.

I would also like to thank you Mr. Chairman along with Ms. Ros-Lehtinen, and Ranking Member Lantos for your work in crafting the substitute for H.R. 4681 the Committee will vote on today.

I believe this substitute makes important changes to the introduced version that will make it a more effective tool for achieving our goals in the region.

My support for this bill rests, in part, on the fact this legislation will not reduce aid to the Palestinian people. Keeping funds out of the hands of Hamas is the correct approach and ensuring that funds are delivered to the Palestinian people, outside the control of Hamas, is essential to our peace building efforts.

My greatest remaining reservation about this legislation is the degree of flexibility afforded to the President to address situations, as they arise, that could affect our national security. I would have preferred that this legislation include a waiver like the one included in the Syria Accountability Act that affords the President the power to waive provisions as our national security interests dictate. I hope that this aspect of H.R. 4681 will be addressed in future consultations

PREPARED STATEMENT OF THE HONORABLE BETTY MCCOLLUM, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman, I applaud your wisdom and determined effort to temper H.R. 4681, *The Palestinian Anti-Terrorism Act of 2006*, to reflect our common commitment of ensuring Israel's security, combating terrorism and working towards a peaceful two-state solution for Israel and the Palestinian people. Despite your noblest efforts, Mr. Chairman, I unfortunately believe the substance of this legislation will not help the U.S. advance our vital interests and therefore I cannot support the bill in its current form.

Among our colleagues in the U.S. House, there is unanimous intolerance and condemnation for the Hamas-led government of the Palestinian Authority and their refusal to recognize the State of Israel, renounce violence and terrorism, and agree to previous agreements and obligations of the Palestinian Authority. It is my hope that this legislation could be used to strengthen the Bush administration's current position of leading the international community to keep firm pressure on Hamas until they agree to an internationally recognized civilized standard of conduct. At the same time, we must work to avoid a serious humanitarian crisis among the Palestinian people.

Unfortunately, instead of advancing the U.S. interests, H.R. 4681 will require Hamas to go far beyond the three criteria set forth by President Bush and the Quartet for international recognition. This elevated threshold has consequences that I believe are contrary to U.S. interests, such as the negative implications on Palestinian leaders who have been committed to advancing the peace process, have denounced terrorism and are working with Israel for a permanent two-state solution. This bill also places extreme constraints on the delivery of humanitarian assistance to the Palestinian people. Palestinian families and children should not be targeted for punishment, but instead treated in a fashion that reflects our belief that their lives are valued. Non-governmental organizations (representing many of our faith communities) with significant experience delivering humanitarian assistance have expressed serious concerns that the lack of flexibility in H.R. 4681 will not allow them to properly carry out the very assistance determined to be necessary by the Secretary of State. It would be my hope that this is simply a failure in drafting the bill and can be remedied as the legislative process proceeds, not an attempt to intentionally make it prohibitively difficult for NGOs to carry out their contracts, thus ensuring suffering and misery among the Palestinian people.

The inclusion of the section of the bill targeting the United Nations agencies and programs (Section 4) is very disappointing and clearly not intended to advance the peace process or the well-being of Israelis or Palestinians. The United Nations, as a member of the Quartet, has a vital role to play in ensuring humanitarian needs are met. To target a member of the Quartet in such a fashion is a clear sign that this bill is intended to undermine the Bush administration's multilateral leadership. This section has no positive effect on the policy goal stated in Section 2 and will likely isolate the U.S. in the future. This entire section of the bill should be removed.

There are other aspects of this bill which I disagree with because I believe they actually harm U.S. interests rather than enhance them. Fortunately, some of my concerns regarding the remainder of the bill are appropriately address in S. 2370 which I feel provides the President appropriate flexibility to positively advance U.S. interests on a case-by-case basis.

Finally, my opposition to H.R. 4681 is based on policy grounds that reflect my support for a Middle East peace process which will ultimately yield security and freedom from terrorism for the people of Israel and a democratic, secure and peaceful Palestinian state. H.R. 4681, in its current form, will result in no greater security or opportunities for peace than exist today with current law and policy, but may in fact have the result of destabilizing the current situation while fueling a humanitarian crisis. Legislation that potentially has such negative consequences and no net gain should not be passed by the U.S. House and for this reason I am opposed to it.