

115TH CONGRESS
1ST SESSION

H. R. 2390

To strengthen prohibitions regarding the Palestine Liberation Organization,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2017

Ms. ROS-LEHTINEN (for herself, Mr. WILSON of South Carolina, and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To strengthen prohibitions regarding the Palestine Liberation
Organization, 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 “PLO Accountability
5 Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Palestine Liberation Organization
9 (PLO) Mission office, representing the PLO, and by
10 extension, the Palestinian Authority (PA), in Wash-

1 ington, DC, was opened in 1994 in order to imple-
2 ment the Oslo Accords, which initiated direct nego-
3 tiations between the PLO and the Government of
4 Israel.

5 (2) Section 1003 of the Anti-Terrorism Act of
6 1987 (Public Law 100–204; 22 U.S.C. 5202),
7 makes it unlawful to “establish or maintain an of-
8 fice, headquarters, premises, or other facilities or es-
9 tablishments within the jurisdiction of the United
10 States at the behest or direction of, or with funds
11 provided by the Palestine Liberation Organization or
12 any of its constituent groups, any successor to any
13 of those, or any agents thereof”.

14 (3) Using various authorities, the executive
15 branch has waived the provisions of section 1003 of
16 the Anti-Terrorism Act of 1987.

17 (4) Article XXXI, clause 7, of the Israeli-Pales-
18 tinian Interim Agreement on the Status of the West
19 Bank and the Gaza Strip (September 28, 1995)
20 states that “Neither side shall initiate or take any
21 step that will change the status of the West Bank
22 and the Gaza Strip pending the outcome of the per-
23 manent status negotiations”.

24 (5) In January 2009, the PLO sent a declara-
25 tion to the International Criminal Court under Arti-

1 cle 12(3) of the Rome Statute of the International
2 Criminal Court on behalf of the Palestinian Author-
3 ity.

4 (6) On October 31, 2011, the United Nations
5 Educational, Scientific and Cultural Organization
6 (UNESCO) voted to admit the “State of Palestine”
7 as its 195th full member. Since being admitted, the
8 Palestinians have used UNESCO to pass anti-Israel
9 resolutions, including a recent effort to deny the his-
10 torical connection of the Jewish people to holy sites
11 including the Temple Mount and Western Wall in
12 Jerusalem.

13 (7) On November 29, 2012, the United Nations
14 General Assembly voted to accord the “State of Pal-
15 estine” status as a nonmember observer State at the
16 United Nations.

17 (8) On April 2, 2014, the PLO joined the Gene-
18 va Conventions as well as 13 other organizations.

19 (9) On January 2, 2015, the PLO acceded to
20 the Rome Statute, and on January 16, 2015, the
21 Prosecutor of the International Criminal Court
22 opened a “preliminary examination of the situation
23 in Palestine” after accepting jurisdiction of the
24 International Criminal Court over “alleged crimes

1 committed in the occupied Palestinian territory, in-
2 cluding East Jerusalem, since June 13, 2014”.

3 (10) The PLO’s decision to accede to the Rome
4 Statute as well as several international organizations
5 is an attempt to change the status of the West Bank
6 and the Gaza Strip outside of direct negotiations be-
7 tween the Israelis and Palestinians.

8 (11) On January 7, 2015, the Department of
9 State’s Office of the Spokesperson stated, “we have
10 made clear our opposition to Palestinian action in
11 seeking to join the Rome Statute of the Inter-
12 national Criminal Court”.

13 (12) On April 1, 2015, the “State of Palestine”
14 officially became a member of the International
15 Criminal Court.

16 (13) The PLO and PA continue to engage in
17 incitement and glorify terrorism, and reward terror-
18 ists, their families, and the families of those who
19 died committing terrorist attacks with roughly
20 \$300,000,000 annually in salaries and benefits, pro-
21 viding a higher reward to those with longer jail sen-
22 tences.

23 (14) On August 30, 2016, Deputy Secretary of
24 State, Anthony J. Blinken, submitted to Congress a
25 report as required under section 804(b) of the For-

1 eign Relations Authorization Act, Fiscal Years 1990
2 and 1991 (Public Law 101–246), sections 603 and
3 604 of the Middle East Peace Commitments Act of
4 2002 (subtitle A of title VI of Public Law 107–228),
5 and section 699 of the Foreign Relations Authoriza-
6 tion Act, Fiscal Year 2003 (Public Law 107–228).

7 (15) In this report, Deputy Secretary of State
8 Blinken, acting under authority delegated to him as
9 Deputy Secretary pursuant to the President’s Dele-
10 gation of Functions on April 30, 2009, made the de-
11 termination that “the PLO and PA are not in com-
12 pliance with certain commitments to prevent viola-
13 tions, discipline violators, and assume responsibility
14 over all PLO elements . . . thus the sanction speci-
15 fied in section 604(a)(2) of [Public Law 107–228],
16 calling for a downgrade in status of the PLO office
17 in Washington, DC, has been imposed”.

18 (16) On January 31, 2017, then Acting Sec-
19 retary of State, Thomas Shannon, pursuant to the
20 President’s Delegation of Functions dated April 30,
21 2009, submitted to Congress a similar report to
22 Congress as required under section 804(b) of the
23 Foreign Relations Authorization Act, Fiscal Years
24 1990 and 1991, sections 603 and 604 of the Middle
25 East Peace Commitments Act of 2002, and section

1 699 of the Foreign Relations Authorization Act, Fis-
2 cal Year 2003, in which the same determination was
3 made that the PLO and PA are not in compliance
4 with their commitments, and imposed the same
5 sanction of a downgrade in the status of the PLO
6 office in Washington, DC.

7 (17) In both the August 30, 2016, and January
8 31, 2017, reports, the sanctions were immediately
9 waived.

10 (18) Section 604(a) of the Foreign Relations
11 Authorization Act, Fiscal Year 2003 requires that if
12 the President determines that the PLO or the Pales-
13 tinian Authority has not complied with each of the
14 commitments specified in such section, the President
15 shall impose one or more of the following sanctions:

16 (A) The denial of visas to PLO and PA of-
17 ficials.

18 (B) The downgrade in status of the PLO
19 office in the United States.

20 (C) The designation as a foreign terrorist
21 organization of the PLO, or one or more of its
22 constituent groups (including Fatah).

23 (D) The prohibition on United States as-
24 sistance to the West Bank and Gaza (except
25 humanitarian assistance).

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the Palestine Liberation Organization
4 (PLO) has failed to live up to its commitment to a
5 bilateral peace process with Israel, renounce vio-
6 lence, accept Israel's right to exist, honor previous
7 diplomatic agreements made by the Palestinians,
8 and continues to circumvent a negotiated settlement
9 with Israel by seeking unilateral statehood at the
10 United Nations and from other countries, actively
11 endorsing terror, and supporting boycotts, divest-
12 ments, and sanctions (BDS) against Israel;

13 (2) the Palestinian initiation of an International
14 Criminal Court preliminary examination, investiga-
15 tion, or active support for such an investigation, that
16 subjects Israeli nationals to an investigation for al-
17 leged crimes against Palestinians, is part of a delib-
18 erate effort to engage in diplomatic, legal warfare
19 against Israel and would violate the Palestinians'
20 commitment to not change the status of the West
21 Bank and Gaza Strip;

22 (3) the only path towards solving the conflict is
23 through direct negotiations between Israel and the
24 Palestinians;

1 (4) the Palestinians should not turn to outside
2 parties, including international organizations, to im-
3 pose or otherwise influence a solution;

4 (5) it is in the national security interests of the
5 United States to close down the PLO office in
6 Washington, DC; and

7 (6) the executive branch should avail itself of
8 the range of sanctions as allowed under the author-
9 ity to impose sanctions under section 604 of the
10 Foreign Relations Authorization Act, Fiscal Year
11 2003 (Public Law 107–228) in order to hold the
12 Palestinian leadership accountable.

13 **SEC. 4. PROHIBITIONS REGARDING THE PALESTINE LIB-**
14 **ERATION ORGANIZATION UNDER THE ANTI-**
15 **TERRORISM ACT OF 1987.**

16 Section 1003 of the Anti-Terrorism Act of 1987 (22
17 U.S.C. 5202) is amended—

18 (1) by striking “It shall be unlawful” and in-
19 serting “(a) IN GENERAL.—It shall be unlawful”;
20 and

21 (2) by adding at the end the following:

22 “(b) WAIVER.—Notwithstanding any other provision
23 of law, including section 604 of the Foreign Relations Au-
24 thorization Act, Fiscal Year 2003 (Public Law 107–228),
25 the President may waive for a period of not more than

1 6 months the provisions of subsection (a) if the President
2 determines and certifies in writing to Congress, not later
3 than 45 days before the waiver is to take effect, that—

4 “(1)(A) the Palestinians have not, on or after
5 January 1, 2017, obtained in the United Nations or
6 any specialized agency thereof the same standing as
7 member states or full membership as a state outside
8 an agreement negotiated between Israel and the Pal-
9 estinians;

10 “(B) the Palestinians have officially ceased to
11 be members of the International Criminal Court
12 (ICC) and have withdrawn from the Rome Statute
13 of the International Criminal Court;

14 “(C) any preliminary examination or ongoing
15 investigation against Israel, the Government of
16 Israel, the Israeli Armed or Security Forces, or any
17 Israeli national initiated by, or on behalf of, the Pal-
18 estinians, or referred to the ICC by a state party,
19 the United Nations Security Council, or a Pre-Trial
20 Chamber has been withdrawn and terminated;

21 “(D) the PLO and the Palestinian Authority no
22 longer provide any financial award, payment, salary
23 or benefit to Palestinians who have committed ter-
24 rorist attacks, their families, or the families of those
25 who died committing acts of terrorism;

1 “(E) the PLO and the Palestinian Authority
2 has ceased to engage in a pattern of incitement
3 against or with respect to the United States or
4 Israel; or

5 “(2) the Palestinians have entered into a final
6 negotiated peace agreement with, and have ceased
7 all hostilities against, Israel.

8 “(c) DEFINITION.—In subsection (b)(1)(E), the term
9 ‘incitement’ means to advocate, endorse, or express sup-
10 port for violence, martyrdom, or terrorism, or glorify,
11 honor, or otherwise memorialize any person or group that
12 has advocated, sponsored, or committed acts of terrorism,
13 including the naming after or dedication to such person
14 or group of any school, community center, camp, sports
15 team, stadium, public square, street, land, landmark, wa-
16 terway, or other facility.”.

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