

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 520—TO AUTHORIZE THE PRODUCTION OF RECORDS, TESTIMONY, AND LEGAL REPRESENTATION

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Committee on Indian Affairs and the Committee on Rules and Administration have received specific requests from the Department of Justice for records that may be relevant for use in the investigation;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Committee on Indian Affairs and the Committee on Rules and Administration are authorized to provide to the U.S. Department of Justice the specific documents that have been requested by the Department of Justice to date for use in legal and investigatory proceedings, and to provide related testimony from their staffs, if necessary, except where a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of the Committee on Indian Affairs and the Committee on Rules and Administration in connection with the document production and testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4542. Mr. FRIST (for Mr. MCCONNELL (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2370, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

TEXT OF AMENDMENTS

SA 4542. Mr. FRIST (for Mr. MCCONNELL (for himself and Mr. BIDEN)) proposed an amendment to the bill S. 2370, to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

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

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

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

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

(3) to promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority; and

(4) to urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

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

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

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

"(b) CERTIFICATION.—A certification described in subsection (a) is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has—

"(A) publicly acknowledged the Jewish state of Israel's right to exist; and

"(B) committed itself and is adhering to all previous agreements and understandings with the United States Government, with the Government of Israel, and with the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap"); and

"(2) the Hamas-controlled Palestinian Authority has made demonstrable progress toward—

"(A) completing the process of purging from its security services individuals with ties to terrorism;

"(B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preventing terrorist attacks, and fully cooperating with Israel's security services;

"(C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote peace, tolerance, and coexistence with Israel;

"(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

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

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

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

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) NATIONAL SECURITY WAIVER.—

"(1) IN GENERAL.—Subject to paragraph (2), the President may waive subsection (a) with respect to—

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

"(B) the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and

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

"(2) CERTIFICATION.—The President may only exercise the waiver authority under paragraph (1) after—

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

"(B) certifying to the appropriate congressional committees that—

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

"(ii) the individual or entity for which assistance is proposed to be provided is not a member of, or effectively controlled by (as the case may be), Hamas or any other foreign terrorist organization.

"(3) REPORT.—Not later than 10 days after exercising the waiver authority under paragraph (1), the President shall submit to the appropriate congressional committees a report describing how the funds provided pursuant to such waiver will be spent and detailing the accounting procedures that are in place to ensure proper oversight and accountability.

"(4) TREATMENT OF CERTIFICATION AS NOTIFICATION OF PROGRAM CHANGE.—For purposes of this subsection, the certification required under paragraph (2)(B) shall be deemed to be a notification under section 634A and shall be considered in accordance with the procedures applicable to notifications submitted pursuant to that section.

"(f) DEFINITIONS.—In this section:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

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

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

"(2) FOREIGN TERRORIST ORGANIZATION.—The term "foreign terrorist organization"