



November 5, 2024

Transmittal of a DETERMINATION to Congress

Please find enclosed the following Determination and accompanying documentation from the Department of State. This material is for official Committee use only.

Department Report Number: 005621

Title of DETERMINATION: Palestine Liberation Organization (PLO) Commitments Compliance Act of 1989

Background: Pursuant to section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorizations Act, Fiscal Years 1990 and 1991 (P.L. 101-246)), as amended; and sections 603 and 604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228) ("the Act"), enclosed is a report covering the period from April 1, 2023 to September 30, 2023. Pursuant to the President's Delegation dated April 30, 2009, the Secretary of State, through the Deputy Secretary of State, has made a Determination on Imposition and Waiver of Sanctions under sections 603 and 604 of the Act. Please find enclosed the Determination and accompanying documentation on this matter.

Recipients:

Speaker of the House of Representatives
House Foreign Affairs Committee
Senate Foreign Relations Committee

Sincerely,

A handwritten signature in blue ink that reads "Naz Durakoğlu".

Naz Durakoğlu
Assistant Secretary
Bureau of Legislative Affairs

Enclosure:
As stated.

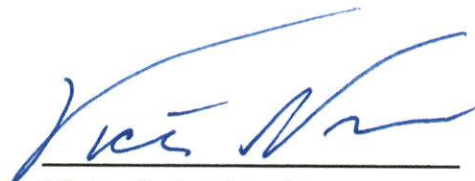
Determination on Imposition and Waiver of Sanctions under
Sections 603 and 604 of the Foreign Relations Authorization Act,
Fiscal Year 2003 (Public Law 107-228)

Consistent with the authority contained in section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) (the "Act"), the Presidential Memorandum dated April 30, 2009, and Department of State Delegation of Authority 513, and with reference to the determinations set out in the Report to Congress transmitted pursuant to section 603 of the Act regarding the extent of noncompliance by the Palestine Liberation Organization (PLO) or the Palestinian Authority with certain commitments, I hereby impose the sanction set out in section 604(a)(1), "Denial of Visas to PLO and Palestinian Authority Officials." This sanction is imposed for a period of 180 days from the date that the report under section 603 of the Act is transmitted to Congress or until such time as the next report under section 603 is required to be transmitted to Congress, whichever is later.

Furthermore, I hereby determine that it is in the national security interest of the United States to waive this sanction, pursuant to section 604(c) of the Act. This waiver shall be effective for a period of 180 days from the date hereof or until such time as the next report under section 603 of the Act is required to be transmitted to Congress, whichever is later.

This Determination shall be reported to Congress promptly and published in the Federal Register.

2/5/24
Date


Victoria Nuland
Acting Deputy Secretary of State



**Report to Congress on
Section 804 of the Palestine Liberation Organization Commitments
Compliance Act of 1989 (“PLOCCA”)
(Title VIII, P.L. 101-246) and Sections 603-604 and 699 of
the Foreign Relations Authorization Act,
FY 2003 (“the Act”) (P.L. 107-228)**

This report and related determinations are transmitted in accordance with the provisions cited above and cover the period from April 1, 2023 – September 30, 2023. This report describes compliance by the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA), as appropriate, with respect to commitments specified in section 602(1) of the Act, and any additional commitments in Chairman Arafat’s September 9, 1993 letters to Israeli Prime Minister Rabin and Norwegian Foreign Minister Holst and to those contained in, and resulting from, the good faith implementation of the Declaration of Principles. The commitments made by the PLO are cited in the Act. In addition, in 1998, the PLO, through the Palestine National Council, voted to affirm the PLO’s decision to annul articles of the PLO covenant that deny Israel’s right to exist and to strengthen cooperation with Israel on a wide range of security issues. As described in prior reports, both parties’ further commitments are set out in the Wye River Memorandum of October 23, 1998 and the Sharm el-Sheikh Memorandum of September 4, 1999, which include ensuring the effective handling of any incident involving a threat or act of terrorism by cooperating in the exchange of information; coordinating policies; and taking measures to prevent acts of terrorism, violence, or incitement.

I. Overview of the Reporting Period

The Israeli Ministry of Defense retains responsibility for exercising Israel's security and civil administration in the West Bank. Under the Oslo Accords, the PA obtained full civil and security control of 17.5 percent (called Area A) of the West Bank and has a mandate to maintain law and order there. Israeli authorities retain responsibility for security in Areas B and C, as well as for security of Israelis living in settlements throughout the West Bank. During the reporting period, Israeli and Palestinian security forces coordinated throughout the West Bank to provide security for civilians, prevent violent attacks, arrest members of U.S. designated Foreign Terrorist Organizations (FTO) such as Hamas and Palestinian Islamic Jihad, and confiscate illegal weapons.

The period covered by this report continued to be characterized by an increase in West Bank violence, which resulted in Israeli and Palestinian deaths. As of September 2, 2023, approximately 196 Palestinians were killed by Israeli soldiers or settlers, and approximately 28 Israelis and one foreign tourist were killed by Palestinians during 2023. Israeli security forces (ISF) continued incursions into Area A of the West Bank throughout the reporting period, including a large-scale, two-day raid of the Jenin refugee camp, which resulted in 12 Palestinians killed, one ISF member dead, and 5,500 refugees temporarily displaced. Palestinian militants and criminal networks reportedly continued to acquire illegal and sophisticated weaponry, a trend PA officials blamed largely on Israeli weapons smugglers, as Israel maintains control of the West Bank's borders.

The PA accepted tax and customs revenues collected on its behalf by Israel during the reporting period, but this revenue was not sufficient to cover its expenses and the PA continues to be challenged by a deep and extended fiscal crisis. The PA has paid only 80-85 percent of salaries to its 150,000 public sector employees in the West Bank and Gaza, including security forces, since 2019 and throughout the reporting period, and will likely continue to pay reduced salaries at or near the 80 percent level absent new donor budget support. Significantly higher food prices exacerbated by

Russia's invasion of Ukraine, together with the reduced salary payments, have fueled public discontent, including significant, short-term strikes by teachers and health care workers. In this reporting period, arrears for the PA surpassed \$6 billion, including \$1 billion to the private sector, leading many suppliers to no longer provide goods and services to the PA. The ongoing salary cuts and non-payment of bills put additional negative pressure on the constrained Palestinian economy and increased the likelihood that public sector employees looked for financial opportunities elsewhere.

U.S.-designated FTO Hamas, which is not part of the PLO and has de facto control of Gaza, largely maintained understandings with Israel during the reporting period, although it praised terror attacks against Israelis that occurred during the reporting period. Palestinian Islamic Jihad (PIJ), which is also not part of the PLO, and other militant groups pose a threat to Israel's security and sporadically continued attacks during the reporting period, most notably in early May when PIJ claimed responsibility for firing over 1,500 rockets and mortars from Gaza toward Israel in response to the death of West Bank PIJ leader Khader Adnan in Israeli jail following a hunger strike. Militants also fired rockets and flew drones from Gaza sporadically throughout the reporting period, with various groups claiming responsibility.

The PA continued to make payments to the families of prisoners convicted of committing acts of terrorism and the families of individuals who were wounded or died while committing acts of terrorism, whom they dubbed "martyrs." Israeli government officials state these payments incentivize and reward terrorism.

PA President Mahmoud Abbas stoked outrage after news broke that he had delivered a speech featuring antisemitic tropes in late August. The comments included claims that Ashkenazi Jews were not descended from ancient Israelites and Hitler murdered Jews in the Holocaust because of their "role in society, which had to do with money."

II. Determinations as to Palestinian Compliance with Their Commitments Required by Section 603 of the Act

“Recognition of the right of the State of Israel to exist in peace and security”:

President Abbas has repeatedly stated a commitment to nonviolence, a two-state solution, and previous PLO commitments, including recognition of the right of the State of Israel to exist in peace. He reiterated his commitment to nonviolence during Palestinian political faction talks in Egypt on July 30, and cited Hamas’s refusal to commit to peaceful resistance as one reason for the talks’ failure.

In an August 10 trilateral meeting with Egypt President Sisi and Jordanian King Abdallah, President Abbas reaffirmed his intention to continue efforts with international powers and parties interested in peace to revive a serious peace process, based on the rules of international law, the references of the peace process, and within a mechanism and a clear and specific timetable.

President Abbas has publicly condemned the killing of Israeli civilians on several occasions and has also condemned terrorism in general terms, though he did not explicitly condemn every terrorist attack that occurred during the reporting period. PA and PLO officials at times made statements that honored terrorists that killed Israelis and often remained silent following terrorist attacks inside Israel. Praise and glorification of Palestinians who were suspected militants or who carried out attacks against Israelis was echoed in some media outlets, and some summer camps and schools in the West Bank remain named after Palestinians who committed attacks.

“Acceptance of United Nations Security Council Resolutions 242 and 338”:

The PA and PLO maintained their acceptance of UN Security Council Resolutions 242 and 338 as the basis for achieving a peaceful and comprehensive resolution of the Palestinian-Israeli conflict.

“Resolution of all outstanding issues in the conflict between the sides through negotiations and exclusively peaceful means:”

The PA [and PLO] reaffirmed their commitment to previous agreements and de-escalation at the February and March meetings in Aqaba, Jordan, and Sharm el-Sheikh, Egypt respectively, which were attended by the United States, Jordan, and Egypt. During a meeting with most political factions in Egypt on July 30, Abbas said, “We have practiced different forms of struggle at different stages in our national march, and we see today that peaceful popular resistance, at this stage, is the best way to continue our struggle and achieve our national goals.” He went on to describe peaceful resistance to Israeli occupation as a strategic choice.

“Renunciation of the use of terrorism and all other acts of violence and responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators”:

The PA took steps during this reporting period to prevent terrorism and other acts of violence in the West Bank areas under its control. However, ISF sometimes took action where they believed the efforts of Palestinian Security Forces (PASF) were inadequate, events that often led to further clashes that resulted in Palestinian injuries and deaths. The most significant example of this was Israel’s prolonged counterterrorism raid of the Jenin refugee camp on July 2-4, which temporarily displaced over 5,500 residents and resulted in the death of 12 Palestinians and one Israeli soldier.

Israeli authorities, among others, have underscored the importance of the PASF’s continued commitment to security coordination and steady performance in contributing to the maintenance of security in the West Bank. Areas of the West Bank, particularly Jenin and Nablus, are home to numerous armed groups, including armed political factions. Some of the violence in these areas is criminal and/or economic in nature, but at times it has been politically motivated. During the reporting period, Israel conducted frequent counterterrorism raids in Jenin and Nablus, particularly in refugee camps in both governates.

An Israeli military order criminalizing the facilitation of financial transactions that “support, promote, fund, or reward” terror came into effect in the West Bank and Gaza on December 31, 2020, and remains in effect. During the reporting period, the PA continued to utilize post office branches in the West Bank and Gaza to facilitate payments to prisoners and families of “martyrs” to avoid causing Palestinian banks to run afoul of the Israeli military order. However, senior PA/PLO officials publicly defended the payments and criticized Israel’s withholding of clearance and tax revenues, which Israel claimed were withheld in an amount equivalent to prisoner/“martyr” payments made by the PA.

During the reporting period, PASF continued to counter potential terrorist activity, though they also appeared to prioritize targeting political opponents, including student activists and social media personalities who criticized the PA. Some of those targeted were affiliated with U.S.-designated FTOs, but opposition to the Fatah-dominated PA appeared to be the primary concern. PASF often disperses funerals for Hamas and PIJ members in the West Bank as well as parades celebrating attacks against Israelis. On August 5, PASF dispersed a march in Jenin celebrating a terrorist attack in Tel Aviv. PASF allegedly shot live bullets and tear gas against marchers, injuring two Palestinian journalists.

The PA trial of 14 low-level PASF officers for the murder of political activist and PA-critic Nizar Banat during his arrest on June 24, 2021 in Hebron is ongoing. However, the Security Forces Justice Commission in Ramallah postponed his trial again to October 2.

The PA and PLO have had no effective security control in Gaza since 2007. Gaza remained under the de facto control of Hamas during this reporting period, though some PA ministers stated they continued to oversee their ministries’ staff in Gaza and sometimes worked out of their ministerial offices there several days each week. On August 10, President Abbas ordered the PA’s remaining four governors in Gaza to retire.

The Popular Front for the Liberation of Palestine (PFLP), a designated FTO since 1997, is the second largest PLO faction despite boycotting PLO meetings since 2018. PFLP has not held any leadership positions in the PLO since 2016. PFLP remained committed to terrorist activity through its armed apparatus, the Martyr Abu Ali Mustafa Brigades. Israeli security reportedly foiled efforts of a PFLP operative who was attempting to coordinate attacks on Israelis in the West Bank. PFLP General Command (GC), another PLO faction, was also designated as a FTO in 1997 and remains so; it last took credit for committing violence (rocket attacks on Israel from Lebanon) in 2015. PFLP GC also boycotted the latest PLO Central Committee meeting on February 6-7 and the political factions meeting in Egypt on July 30. PFLP's armed apparatus in Gaza operates jointly with Hamas, PIJ, and other terrorist groups in attacks against Israel. PFLP GC's armed apparatus is largely based in Lebanon and Syria. Other terrorist groups unaffiliated with the PLO, including Hamas and PIJ, remained active during the reporting period.

The Democratic Front for the Liberation of Palestine (DFLP), a specially designated global terror organization, is the third largest PLO faction and remains committed to terrorist activity. The DFLP claims responsibility for some of the rockets fired from Gaza into Israel.

Due in part to the fact that militants exploit the limits of PA/PLO control, the PA/PLO has not fully complied with commitments to assume responsibility over all elements and personnel to prevent violations and discipline violators.

III. Imposition of Sanction under Section 604

Pursuant to section 603 of the Act, the Deputy Secretary of State has determined that the PLO and the PA are not in compliance with certain commitments to prevent violations, discipline violators, and assume responsibility over all PLO elements, as noted in this report. Thus, the sanction specified in section 604(a)(1) of the Act – denial of visas for PLO and PA officials – has been imposed.

IV. Waiver of Sanction

An enduring and comprehensive peace between Israel and the Palestinians remains a longstanding goal of U.S. foreign policy. The Administration remains committed to advancing this objective. A blanket denial of visas to PLO members and PA officials, to include those whose travel to the United States to advance U.S. goals and objectives, is not consistent with the U.S. government's expressed willingness to partner with the PLO and PA leadership. For these reasons, the Acting Deputy Secretary has exercised the waiver authority granted by section 604(c) of the Act, based on her determination that such a waiver is in the national security interests of the United States. Please see the determination attached hereto.

V. Other PLOCCA Requirements

In addition to a report on compliance with the commitments detailed above, section 804(b) of the PLOCCA requires a report (covering the same reporting period) on the PLO's progress toward achievement of certain additional measures consistent with its commitments. Previous commitments, policy, and information from past PLOCCA reports remain as stated, unless new information is provided below.

- **Measures Taken to Prevent Violence and Punish Offenders:** PASF continued to prevent violence and punish offenders in the West Bank both on its own and in coordination with Israel. PASF continued to operate against terrorist groups in areas under PA security control in the West Bank (Area A) and to a lesser extent in areas under Israeli security control (Area B), coordinated through a standing joint mechanism. Offenders arrested by the PA are tried under the authority of the PA. Those apprehended by Israel are tried by Israeli civil courts if the person is an Israeli citizen or in Israeli military courts if they are Palestinian.
- **PLO Charter:** As mentioned in previous reports, the PLO complied with its commitment to amend its charter.

- **Arab League Boycott of Israel:** As previously reported, the PLO and the PA officially disavowed the Arab League boycott.
- **Assistance to Palestinians:** Since April 2021, the United States has provided more than \$1.6 billion in development, economic, and humanitarian aid for Palestinian people, including more than \$1.1 billion in humanitarian assistance to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This includes humanitarian assistance to Palestinians living in the West Bank and Gaza to provide health care and education, and to address food insecurity, among other assistance. The United States continues to monitor and evaluate programs to ensure that U.S. assistance is provided consistent with requirements under relevant laws and to mitigate the risk that U.S. foreign assistance could be diverted for terrorist purposes.
- **Role of the Palestinian Legislative Council (PLC):** The PLC remains dissolved according to a 2018 Supreme Constitutional Court decision. [Note: The Supreme Constitutional Court was created by presidential decree in 2016.] PLC elections were scheduled to take place on May 22, 2021. President Abbas postponed them indefinitely on April 29, 2021, citing Israel's refusal to allow voting in East Jerusalem.
- **Additional PLOCCA Reporting Requirements:** There are no new developments in the cases of Abu al-Abbas, Force 17, or the Hawari group, because they reportedly no longer exist. Force 17 was previously dissolved and became the presidential guard force.

VI. Report on Transfer of Proscribed Weapons to Persons or Entities in the West Bank and Gaza: Terrorist groups and their sympathizers reportedly continued to smuggle weapons and cash into Gaza during the reporting period; the volume of smuggled goods and cash is unknown. There is no indication the Egyptian or Jordanian governments were complicit in the smuggling of weapons. The smuggling of weapons from Israel into the West Bank also remains a concern and is likely the largest source of weapons in

the West Bank. Israel is increasingly blaming Iran and its proxies for the steady influx that has contributed to the uptick in deadly attacks over this reporting period and particularly since March 2022.

Egypt made efforts during this period to deter smuggling and violent extremist activity in the North Sinai, including security improvements at the Rafah border. The smuggling of arms into Gaza, however, remains a serious concern. Egyptian military operations against ISIS in the Sinai have been ongoing since at least 2013, when the security situation in the Sinai significantly deteriorated.

No basis exists to determine that smugglers along the Egypt/Gaza border received official support from any foreign person or entity to which U.S. assistance might be given or to which defense articles or services might be sold by the United States.