

107TH CONGRESS
1ST SESSION

H. R. 2566

To prohibit assistance from being provided to the Palestinian Authority or its instrumentalities unless the President certifies that no excavation of the Temple Mount in Israel is being conducted.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2001

Mr. CANTOR (for himself, Mr. SMITH of New Jersey, Ms. BERKLEY, Mr. PITTS, Mr. KIRK, Mr. BACHUS, Mr. RYUN of Kansas, Mr. PENCE, Mr. SOUDER, Mr. CROWLEY, Mr. LEWIS of Kentucky, Mr. WEINER, Mr. SCHROCK, Mr. GRUCCI, Mr. SCHAFFER, Mr. ISRAEL, and Mr. TIBERI) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To prohibit assistance from being provided to the Palestinian Authority or its instrumentalities unless the President certifies that no excavation of the Temple Mount in Israel is being conducted.

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 “Temple Mount Preser-
5 vation Act of 2001”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The Temple Mount, located in the heart of
4 Jerusalem, Israel, has great religious significance to
5 the world's three major monotheistic religions, and
6 increasing violence, religious intolerance, and archeo-
7 logical neglect threaten to destroy this sacred site.

8 (2) According to the Jewish faith, the Temple
9 Mount (Har ha-Bayit in Hebrew) is the location
10 where Abraham was asked to sacrifice his only son,
11 Isaac, in the ultimate test of his commitment to
12 God. The Temple Mount was also the site of the
13 first and second Holy Temples, and it is a basic
14 tenet of Judaism that it will be the site of the third
15 Holy Temple.

16 (3) According to Christianity, Jesus was dedi-
17 cated on the Temple Mount in the Second Temple
18 in accordance with the Law of Moses. He referred
19 to the Biblical Temple as his Father's House, and
20 was tempted by the Devil at the pinnacle of the
21 Temple Mount.

22 (4) According to Islam, the Prophet Moham-
23 mad ascended into Heaven riding al-Burak from the
24 edge of the Temple Mount (Haram al-Shaif in Ara-
25 bic). Al-Aqsa Mosque is located on the site of the
26 Prophet's ascent and is the third holiest site in

1 Islam. The Dome of the Rock was built over the
2 Holiest Rock, considered in Muslim traditions as the
3 Center or Core of the Universe.

4 (5) In June 1967, Jerusalem once again be-
5 came a united city under Israel's sovereignty. Since
6 that time, Israel has been legally responsible for the
7 Temple Mount and has been respectful of the reli-
8 gious practices of Jews, Christians, and Muslims
9 with regard to this site.

10 (6) The Israeli Government elected to delegate
11 the daily oversight of the Temple Mount to the Tem-
12 ple Mount Waqf (Religious Council), in tacit co-
13 operation with the Hashemite Kingdom of Jordan,
14 because of the King's capacity as the Custodian of
15 Haram al-Sharif. In 1994, Jordan's role as custo-
16 dian of Muslim religious interests was codified in the
17 Israeli-Jordanian Peace Treaty.

18 (7) In the aftermath of the 1993 Oslo Accords,
19 Yassir Arafat's Palestinian Authority asserted pre-
20 eminence on the Temple Mount through the subver-
21 sion of the Waqf and by coercing the Jordan-affili-
22 ated officials and clergymen off the Temple Mount.
23 Arafat personally nominated the virulently anti-Se-
24 mitic and anti-American Mufti Ikrima Sabri as the
25 Imam of al-Aqsa Mosque. In May 1998, Sabri de-

1 clared that the Jews have no right to the Temple
2 Mount.

3 (8) In 1996, the Israeli Islamic Movement
4 sponsored the expansion of the underground al-
5 Marawani Mosque on the Temple Mount. The exca-
6 vation conducted for this expansion extended beyond
7 the original compound, and an ancient underground
8 structure dating from the period of the Second Tem-
9 ple (circa 515 B.C. (B.C.E.) to 70 A.D. (C.E.)),
10 known as the Western Hulda Gate passageway, was
11 converted into a mosque.

12 (9) In early 1998, the Waqf, controlled by the
13 Palestinian Authority, began further excavation. A
14 major underground mosque hall was inaugurated in
15 August 1999 and an emergency exit was opened to
16 a mosque located on the Temple Mount. The exit is
17 18,000 square feet in size and up to 36 feet deep,
18 and thousands of tons of ancient fills from the site
19 were dumped into the Kidron Valley. Archeologists
20 have subsequently determined that artifacts dumped
21 into the Kidron Valley from the Temple Mount
22 dated from the period of the First Temple (circa
23 1006 B.C. (B.C.E.) to 586 B.C. (B.C.E.)).

24 (10) In mid 2000, Arafat deployed onto the
25 Temple Mount armed and unarmed security per-

1 sonnel of Jibril Rajoub’s Preventive Security Forces
2 in violation of numerous past agreements with
3 Israel. Rajoub’s forces evicted the Waqf’s personnel
4 and consolidated Arafat’s control and ability to wage
5 the Intifadah (“uprising”) against Israel.

6 (11) In February and March of 2001, an an-
7 cient arched structure built against the Eastern
8 Wall of the Temple Mount enclosure was razed by
9 bulldozers in order to further enlarge the emergency
10 gate of the new mosque at the Stables of Solomon.

11 (12) In early May, Arafat ordered that the un-
12 derground halls under the Temple Mount be unified
13 into a single fortified space that would be both the
14 largest mosque ever built on Haram al-Sharif and a
15 springboard for the forthcoming Palestinian struggle
16 for control of the Temple Mount. Given the haste
17 and unsupervised nature of the ongoing excavation
18 and construction work, there is great fear that the
19 foundations of the two Holy Mosques will be severely
20 damaged to the point of collapse.

21 (13) The actions of Yassir Arafat and the Pal-
22 estinian Authority threaten to eliminate all historical
23 evidence of Jewish activity on the Temple Mount
24 and serve to discredit Israeli claims of sovereignty
25 over the Temple Mount.

1 (14) The massive excavation and unsupervised
2 destruction of artifacts discovered within the Temple
3 Mount are undeniable affronts to the concepts of re-
4 ligious freedom and tolerance that must be respected
5 in order to achieve and maintain peace in the Middle
6 East. The destruction of the Temple Mount, which
7 threatens to incite more violence, is destroying sa-
8 cred artifacts and jeopardizing the ability of Ameri-
9 cans to understand and promote their Judeo-Chris-
10 tian heritage.

11 **SEC. 3. PROHIBITION ON FUNDS FOR PALESTINIAN AU-**
12 **THORITY AND ITS INSTRUMENTALITIES.**

13 (a) PROHIBITION.—Notwithstanding any other provi-
14 sion of law, no funds appropriated or otherwise made
15 available in any Act of Congress may be used for any form
16 of assistance to the Palestinian Authority or any instru-
17 mentality of the Palestinian Authority, either directly or
18 through any nongovernmental organization or other enti-
19 ty, unless the President has certified to the Congress that
20 no excavation of the Temple Mount in Israel is being con-
21 ducted, other than that authorized by the Israeli Antiq-
22 uities Authority.

23 (b) ANNUAL RECERTIFICATION REQUIRED.—Any
24 certification by the President under subsection (a) shall
25 expire on the last day of the fiscal year in which it is made.

1 (c) NATIONAL SECURITY WAIVER.—The President
2 may waive the prohibition contained in subsection (a) for
3 a fiscal year if the President certifies in writing to the
4 Congress that such waiver is in the national security inter-
5 ests of the United States.

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