



## Taylor Force Act Talking Points

### 1. Palestinian Law

The salary payments to terrorists are made according to [Palestinian Authority \(PA\) legislation](#). The Pay for Slay program is mainly anchored in two laws from 2004, Law No. 14 and Law No. 19, and in a 2013 amendment to the latter law.

- Law No. 14 establishes the opening of a “special account” to fund prisoners, defined as “anyone incarcerated in the occupation’s prisons for his participation in the struggle against the occupation” (Article 1).
- Law No. 19 defines the prisoners and released prisoners as "a fighting sector and an integral part of the fabric of the Arab Palestinian society" (Article 2) and declares the need to "grant the financial rights of the prisoner and his family" (Article 4). It also stipulates that the PA shall "grant every incarcerated prisoner a monthly allowance, without discrimination," meaning including members of Hamas (Article 6). The law lists preferential treatment for released prisoners such as exemptions from: tuition fees at government schools and universities, health insurance payments, and tuition fees for professional training programs (Article 5).
- The 2013 amendment to Law No. 19 grants “priority in annual job placements in all State institutions” for released prisoners (Article 5). It also dictates that the longer the imprisonment the prisoner is entitled to a higher rank in the government apparatus and to a higher salary, basically the deadlier the attack, the richer the reward. Article 9 extends prisoner status to a larger portion of the population, including expelled persons, those under house arrest, and to PLO members arrested outside of Palestine.

The salaries are currently paid based on PA Government [Decision No. 23 of 2010](#), which specifies the prisoners’ monthly allowance according to the length of sentence. Bonuses are also paid if the terrorists are Israeli Arab or Arab residents from Jerusalem. The PA also provides prisoners with a monthly allowance for canteen expenses, totaling \$780,000 per month.

Time spent in Prison	Monthly allowance in US dollars
3 years or less	\$400
3 - 5 years	\$570
5 - 10 years	\$1,142
10 - 15 years	\$1,707
15 - 20 years	\$1,999
20 - 25 years	\$2276
30 + years	\$3,120
Additional payment for prisoners from Jerusalem	\$85
Additional payment for Arab Israeli prisoners	\$138

One-time [grants](#) are released to prisoners according to the length of sentence; grants range from \$1,500 to \$25,000.

Time Spent in Prison	Amount paid in US dollars
1 - 3 years	\$1,500
3 - 5 years	\$2,500
5 - 8 years	\$3,500
8 - 11 years	\$4,500

11 - 15 years	\$6,000
15 - 18 years	\$8,000
18 - 21 years	\$10,000
21 - 25 years	\$12,000
25 - 30 years	\$15,000
30 + years	\$25,000

In addition to the many financial rewards, the PA also grants all Palestinian terrorists a promotion in military rank, for members of the PA Security Forces and promotion in employee grade for those not part of the PA Security Forces. This is stipulated in the PA Government, [Decision No. 15 of 2013](#), initiated by Mahmoud Abbas.

Number of years in prison	Civil Grade	Military Rank
5-6 years	Department Head	Lieutenant
6-8 years	Director rank C	Captain
8-10 years	Director rank B	Major
10-15 years	Director rank A	Lieutenant Colonel
15-20 years	Director General rank A4	Colonel
20-25 years	Deputy Minister's Aide A2	Brigadier General
25-30 years	Deputy Minister	Major General
30 years and above	Employed at the rank of Minister	Major General (senior)

## [2. Payment “Shift” from the PA to the PLO](#)

In 2014, the U.S. Congress passed a law to defund the PA if they continued to fund the Pay for Slay program. Following pressure from other donor countries as well, in May 2014, Abbas issued a presidential order that the PA had stopped the payments to prisoners. Instead, they would be disbursed by a PLO Commission for Detainees and Ex-Detainees Affairs.

- Yigal Carmon, President of MEMRI, explained in a 2016 testimony to the House Committee on Foreign Affairs that “the aim of this [deliberately misleading](#) move was to alleviate pressure on the PA by donor countries that do not wish their money channeled to support terrorism.”
- Former Deputy Minister for Prisoners' Affairs, Ziyad Abu 'Ayn, confirmed this in June 2014 when he explained that "the national interest requires" this change because the donor countries "have established dozens of investigative committees focusing on the issue of [their] funds that are transferred from the PA to the prisoners."
- A 2016 [CRS Report](#) also notes the shift in responsibilities was “in order to defuse concerns among the PA’s international donors about perceptions that the donors might be indirectly associated with the prisoner-related payments” and confirms some evidence indicates that the formal change in the organization responsible for the payments did not significantly alter the actual practice of how the payments were made.”

### **The PLO Commissions is new only in name, but not its function.**

- The PLO body has the same responsibilities, pays the exact same amount to prisoners and is based on PA decisions and PA law.
- The money from allowances still comes from the PA budget in the form of transfers to the PLO Palestinian National Fund for the purpose of payments to the imprisoned and released terrorists.
- The former PA Minister of Prisoners’ Affairs, Issa Qaraqe, became the Director of the new PLO Commission. He remained in charge of prisoner payments just under a new job title.
- PA Chairman Mahmoud Abbas retained overall supervision of the PLO Commission.

### **Proof the PA continues to [fund](#) Pay for Slay**

- In 2015, a year after the PA "officially" transferred authority over Palestinian prisoners to the PLO, it also raised its annual transfer to the PLO via the Palestinian National Fund by \$128 million, the same amount the PLO Commissions needed to take on the responsibilities of the PA Pay for Slay Program.
- In January 2015, the PA Ministry of Finance announced that the PA budget for the Gaza Strip includes salaries to prisoners from there who are in Israeli jails.
- When Israel withheld PA tax money in early 2015, the PA announced that prisoners receiving more than 2,000 shekels/month would only receive 60% of their salary- the same reduction that was imposed the previous day on all PA civil servants.
- In December 2015, an internal dispute started within the PA. Following political tensions, the PA, not the PLO, had decided to reduce payments from \$338 to \$208 for released prisoners who were members of Hamas, the Islamic Jihad, and PFLP. This political decision aroused the protest of the director of the PLO Commission for Detainees and Ex-Detainees Affairs, Issa Qaraqe, who said, "It is unacceptable for the Ministry of Finance to cut a prisoner's salary." His statement proves that the PA, not the PLO funds these allowances and that the PA can and does cut benefits to prisoners when it wishes.
- PA officials openly talk about the PA's continued payment of salaries to prisoners based on current PA law that mandates that the PA pay them salaries.

#### **Other Donor Countries Concerned PA Continues Funding Terrorists**

- In October 2016, the [British](#) government's Department for International Development froze part of its aid to the PA over concerns it was being used to fund salaries for convicted Palestinian terrorists.
- In September 2016, the [German](#) government, for the first time, admitted that the PA likely grants financial support to terrorists and their families, and vowed to further investigate the matter.

### **3. Israeli Government Statements Supporting the Taylor Force Act and Opposing Pay for Slay**

- [PM Netanyahu's](#) remarks at the start of the weekly cabinet meeting, 18 June (Communicated by the PM's Media Adviser): "On behalf of the Government and the nation, I would like to send condolences from the depths of my heart to the family of Border Police fighter, the late Hadas Malka...Instead of condemning the attack, Fatah – which is headed by Abu Mazen – issued a statement in which it condemns the Border Police fighters who killed the terrorists, and praised the murderers as heroes. It seems that mendacity and brazen gall know no bounds. Of course, the Palestinian Authority is refusing to condemn the murder and the same Authority will now pay financial compensation to the murderers' families. I call on the countries of the world to condemn both the murder and those who praise it, and demand the immediate cessation of Palestinian Authority payments to the families of terrorists, something that only encourages terror."
- Israeli Minister of Justice [Ayelet Shaked](#) endorsed the Taylor Force Act at a Hudson Institute luncheon in May 2017 and said: "We have been trying for many years to stop it (the payments). The Palestinian Authority funds murderers in Israeli jails and as long as you murder more, you get more money. I think President Trump and the Congress, if they will put pressure on it, I will say that the PA may not have a choice and they will have to stop it. Here definitely the United States can help us, and if this step will succeed, we will be very grateful."
- Israel's Minister of Public Security and Strategic Affairs, [Gilad Erdan](#), said in a New York Times op-ed: "The Palestinian Authority must also stop the most insidious form of encouragement to violence: payments to convicted terrorists and their families...Because the Palestinian Authority's budget depends heavily on foreign aid, these payments are, for all intents and purposes, paid by the taxpayers in the countries of foreign funders...Both politicians and ordinary citizens must demand an end to this gross abuse of international funds."

- [Brig.-Gen. \(res.\) Yossi Kuperwasser](#), the former Director General of the Israel Ministry of Strategic Affairs and head of the Research Division of IDF Military Intelligence, expressed that Palestinian leaders have seen the timid international response to their payments as “as a green light to continue the solicitation of terror through the payments as well as other kinds of incitement, hate indoctrination, and delegitimization of Israel” and proposed a solution: “The way to handle this problem is primarily becoming aware of Palestinian ideology and its institutionalization through the payments for salaries for “fighters,” and then clarifying to the Palestinians through legal, economic and political means that this ideology and the policy of paying salaries to terrorists is unacceptable and must change. This should be a condition for assisting the Palestinians, and it is the only way to promote a peace agreement between Israel and the Palestinians.”
- [Dore Gold](#), former Foreign Ministry director-general said “the Israeli position is clear. In my time as the Director-General of the Foreign Ministry, I issued two reports, with the Prime Minister’s Bureau’s approval, stating that the Palestinians must stop these payments. It is very important that the Israeli position be clear – in order not to allow any excuses to those who are looking for one, in order to withhold their support for the Taylor Force Act.”
- Retired Lt. Gen. [Moshe Ya’alon](#), former Defense Minister and IDF Chief of General Staff, said: “The Taylor Force Act is a very important bill...It is immoral to ignore the ‘pay-for-slay’ phenomenon. It is immoral to ignore the promotion of terror by the PLO. It is immoral to ignore the encouragement by the PA of the murder of Israelis.” [Ya’alon](#) also said “Rejecting the Taylor Force Act means being blackmailed by the PA, surrendering to terror and legitimizing the phenomenon.”
- [Neftali Bennett](#), Chairman of the Jewish Home Party and Minister of Education, said "Abu Mazen (Abbas) actively encourages terror with the paycheck he gives to Palestinian terrorists and whoever finances terrorists is a terrorist. This outrageous payment...from the Palestinian Authority to terrorists must be stopped immediately. This payment method (rewards) those who kill more by giving them more money."

## [4. Knesset Bill](#)

Israeli [legislation](#), similar to the Taylor Force Act, passed the Knesset on June 14, 2017. The Israeli bill imposes a dollar-to-dollar deduction in the amount of tax revenues Israel transfers to the PA based on the PA’s spending on terror payments. The bill was authored by Yesh Atid MK Elazar Stern and has been co-signed by Knesset members from both the coalition and opposition and sponsored by members of all parties, except the far-left Meretz and the Joint Arab List. The bill now heads to the Foreign Affairs and Defense Committee for preparation for final passage.

- While the Taylor Force Act aims to cut funding to the PA, the Israeli bill would cut funding by subtracting it out of revenues Israel collects on behalf of the PA.
- Israel [transfers](#) about NIS 460 million (\$125 million) a month, or NIS 5.4 billion (\$1.5 billion) a year, to the PA in tax and customs duties levied on goods destined for Palestinian markets that transit through Israeli ports. The transfers are a key revenue source for the PA. Israel has withheld payment in the past over political disputes.
- Attorney Sara Weiss-Ma`udi, of Israel’s Foreign Ministry’s International Law Department, said that the offset is possible under international law, “because the interim agreement on the transfer of funds also speaks of the fact that neither side will support terrorism. In light of this, it will be possible to stop the transfer because of support for terrorism.”
- The Knesset plenum approved the bill’s preliminary reading in June 2017. Some 48 Knesset members voted in favor of the bill and 13 opposed it.

### **Excerpts from the bill’s explanatory notes:**

- “a basic necessity for peace is our neighboring countries’ acknowledgment of the State of Israel and its right to live in security. This recognition should not be only in words – it requires the Palestinian leadership to show us in its acts – that aspirations to eliminate Israel, the advancement of Jewish- hatred, and supporting

terrorism against Israel are not acceptable. However, since the signing of the Oslo Accords and throughout President Mahmoud Abbas's reign, Palestinian leaders expressed their support in a policy that isn't allowing true peace."

- "While we are criticizing other countries for turning a blind eye to the Palestinian Authority's support of terrorism, the State of Israel is acting the same. It is actively transferring tax money that it collects for the Palestinian Authority according to the 'Paris Protocol' [the economic appendix to the Oslo accords] without considering the fact that this money could potentially support terrorism."

## 5. Fungible

- 18 U.S.C. Section 2339B prohibits providing material support or resources to foreign terrorist organizations. According to a 2016 CRS Report, [Section 2339B](#) reflects a recognition of "the fungibility of financial resources and other types of material support. Allowing an individual to supply funds, goods, or services to an organization, or to any of its subgroups, that draw significant funding from the main organization's treasury, helps defray the costs to the terrorist organization of running the ostensibly legitimate activities. This in turn frees an equal sum that can then be spent on terrorist activities."
- "A number of observers asserted in the past that because money is fungible, any U.S. aid for the PA indirectly supported PA payments supposedly going to some Palestinians (and/or their families) who were imprisoned for or accused of terrorism by Israel." [Jim Zanotti](#) 2016 CRS Report on U.S. Foreign aid to the Palestinians
- "For its part, the United States provides approximately 400 million a year in economic assistance to the Palestinian territories, much of it in the form of grants and contracts for specific projects, such as water and sanitation; a portion is dedicated to directly supporting the Palestinian Authority's annual budget. Those direct payments are surely commingled with salaries to terrorists. But since money is fungible, any support the United States provides has the potential to free up funds elsewhere that can be used for this illegal purpose." [Thane Rosenbaum](#), distinguished fellow at the New York University School of Law in a 2017 Washington Post article.
- Responding to the question of why to stop PA funding, Elliott Abrams explained: "Money is fungible, and when the United States pays a bill for the PA, it frees up funds that can then be directed to payments to prisoners and their families. These payments now total about 6 percent (and there are higher estimates, up to 10 percent) of the PA budget and reach somewhere between \$200 and \$300 million, perhaps more, each year." [Elliott Abrams](#) National Review April 17, 2017

## 6. Collapse of the PA

- Moshe Ya'alon told the *algemeiner* : "I don't agree with the claim that the PA is going to collapse. I heard this claim before Operation Defensive Shield in 2002 from retired Israeli commanders and experts who rejected the idea to move from defense to offense after we had absorbed more than a thousand casualties. They were proven to be wrong."
- A [letter](#) supporting the Taylor Force Act and signed by senior former Israeli Defense Ministers, rejected the claim that the PA would collapse because of the Taylor Force Act. The letter states: "PA chairman Mahmoud Abbas made it clear that the establishment of the PA is the most important achievement of the Palestinian national movement. It would be illogical for the Palestinians to dismantle it. They will try to manage or in the best case, change their policy and by that create a chance for progress to peace, which is the real interest of commanders who truly care about the security of Israel. The real threats to the PA are its commitment to unattainable political goals and to a long-lasting struggle against Israel instead of a genuine peace process, its low level of functioning, the corruption and the lack of a system that guarantees popular trust in the leadership. There is little we can do about these, and we should worry about the aftermath of Abbas's term, but supporting the just demand to stop paying terrorists with real pressure is very much in accord with Israel's security interests."

- “In fact, S. 474 would, if passed, not collapse the PA. It is, first, restricted to limiting or stopping the “Economic Support Fund,” just one aid account. Assistance to Palestinian security forces that work with Israel against Hamas and other terrorist groups could continue. Aid to the Palestinians through the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the U.N. agency that supports Palestinian “refugees” — now running about \$250 million a year — could also continue.” [Elliott Abrams](#), in National Review April 17, 2017

### **Legal Violations of US National Counter-terrorism law, international law, and PLO/Israeli Agreements**

- The US Consolidated Appropriations Act of 2016—Assistance for the West Bank and Gaza, Section 7039(b) requires that: Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.”
- The issue of financing terrorism has constantly been at the forefront of the international efforts to counter terrorism. Obligations in international and regional treaties and UN resolutions focus on the act to prevent terror financing, especially inasmuch as it constitutes a form of encouragement and support, both moral and practical, for terrorism. The Palestinian Pay for Slay Program contravenes the 1999 U.N. Convention for the Suppression of the Financing of Terror and the 2001 U.N. Security Council Resolution to combat international terror in the aftermath of 9/11.
- The PLO is the internationally recognized Palestinian umbrella organization within which the PA operates as the administering body for those West Bank areas under Palestinian jurisdiction. As such the PLO, as the parent organ of the PA, is no less obligated and committed to its agreements with Israel, to refrain from all activity connected to terrorism, including the transfer of funds to terrorists. Additionally, PLO payments to prisoners also runs counter to PLO obligations to Israel from the Oslo Accords.

### **To Refute the “social welfare” payment argument:**

- In 2010, 63% of those imprisoned and receiving payments were single, yet, they still received the same basic salaries as those with families. If the payments were based on social welfare those with families would be higher, rather than higher payments to higher crimes.
- “Palestinian law explicitly refers to the payments of *salaries* (Rawatib), ”not “social welfare” payments. The PA even treats the payments as salaries by withholding income tax on them.

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