**If the ICC investigates Israel, US law says it must end aid to the Palestinian Authority**

Elder of Ziyon Blog

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Every year since 2015, the House appropriations bill has included this language that bars the US from sending economic support to the Palestinian Authority.

A)(i) None of the funds appropriated under the heading ‘‘Economic Support Fund’’ in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act—

(I) the Palestinians obtain the same standing as member states or full membership as a state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

(II) the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

Did the ICC ruling this week trigger this law?

The ruling made it possible for the ICC to investigate Israel, but that investigation hasn't happened yet. The chief prosecutor must decide whether to start an investigation or let her successor decide - she is due to step down in June.

If the prosecutor decides to open an investigation, are the Biden administration's hands tied concerning their promise to resume maid to the Palestinian Authority?

There is an "out" for subparagraph I where the secretary of state can overrule the law, but there is no such override for subparagraph II.

I cannot find much wiggle room to avoid the law withholding funding. In 2015, when the PLO joined the ICC, one could argue that the Palestinians did not actively request an investigation of Israel, but the current ruling says that they did do so. It says: "On 22 May 2018, Palestine referred the Situation in the State of Palestine to the Prosecutor pursuant to articles 13(a) and 14 of the Statute."

Article 14 means that the Palestinians formally requested an investigation of Israel. I don't see how that can be interpreted in any way other than that they are "actively supporting" an investigation.

So unless the Biden administration blatantly ignores the law, if the ICC goes ahead with the investigation the US must ensure that no funds go towards the Palestinian Authority.