

113TH CONGRESS  
2D SESSION

# S. 2766

To combat terrorism and promote reform in the Palestinian Authority and the United Nations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To combat terrorism and promote reform in the Palestinian Authority and the United Nations, and for other purposes.

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 “Palestinian and United  
5 Nations Anti-Terrorism Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On April 23, 2014, representatives of the  
9 Palestinian Liberation Organization and Hamas, a

1 designated terrorist organization, signed an agree-  
2 ment to form a government of national consensus.

3 (2) On June 2, 2014, Palestinian President  
4 Mahmoud Abbas announced a unity government as  
5 a result of the April 23, 2014, agreement.

6 (3) United States law requires that any Pales-  
7 tinian government that “includes Hamas as a mem-  
8 ber”, or over which Hamas exercises “undue influ-  
9 ence”, only receive United States assistance if cer-  
10 tain certifications are made to Congress.

11 (4) The President has taken the position that  
12 the current Palestinian government does not include  
13 members of Hamas or is influenced by Hamas and  
14 has thus not made the certifications required under  
15 current law.

16 (5) The leadership of the Palestinian Authority  
17 has failed to completely denounce and distance itself  
18 from Hamas’ campaign of terrorism against Israel.

19 (6) President Abbas has refused to dissolve the  
20 power-sharing agreement with Hamas even as more  
21 than 2,300 rockets have targeted Israel since July 2,  
22 2014.

23 (7) President Abbas and other Palestinian Au-  
24 thority officials have failed to condemn Hamas’ ex-

1       tensive use of the Palestinian people as human  
2       shields.

3               (8) The Israeli Defense Forces have gone to un-  
4       precedented lengths for a modern military to limit  
5       civilian casualties.

6               (9) On July 23, 2014, the United Nations  
7       Human Rights Council adopted a one-sided resolu-  
8       tion criticizing Israel's ongoing military operations  
9       in Gaza.

10              (10) The United Nations Human Rights Coun-  
11       cil has a long history of taking anti-Israel actions  
12       while ignoring the widespread and egregious human  
13       rights violations of many other countries, including  
14       some of its own members.

15              (11) On July 16, 2014, officials of the United  
16       Nations Relief and Works Agency for Palestine Ref-  
17       ugees in the Near East (UNRWA) discovered 20  
18       rockets in one of the organization's schools in Gaza,  
19       before returning the weapons to local Palestinian of-  
20       ficials rather than dismantling them.

21              (12) On multiple occasions during the conflict  
22       in Gaza, Hamas has used the facilities and the areas  
23       surrounding UNRWA locations to store weapons,  
24       harbor their fighters, and conduct attacks.

1 **SEC. 3. DECLARATION OF POLICY.**

2 It shall be the policy of the United States—

3 (1) to deny United States assistance to any en-  
4 tity or international organization that harbors or col-  
5 laborates with Hamas, a designated terrorist organi-  
6 zation, until Hamas agrees to recognize Israel, re-  
7 nounces violence, disarms, and accepts prior Israeli-  
8 Palestinian agreements;

9 (2) to seek a negotiated settlement of this con-  
10 flict only under the condition that Hamas and any  
11 United States-designated terrorist groups are re-  
12 quired to entirely disarm; and

13 (3) to continue to provide security assistance to  
14 the Government of Israel to assist its efforts to de-  
15 fend its territory and people from rockets, missiles,  
16 and other threats.

17 **SEC. 4. RESTRICTIONS ON AID TO THE PALESTINIAN AU-**  
18 **THORITY.**

19 For purposes of section 620K of the Foreign Assist-  
20 ance Act of 1961 (22 U.S.C. 2378b), any power-sharing  
21 government, including the current government, formed in  
22 connection with the agreement signed on April 23, 2014,  
23 between the Palestinian Liberation Organization and  
24 Hamas is considered a “Hamas-controlled Palestinian Au-  
25 thority”.

1 **SEC. 5. REFORM OF UNITED NATIONS HUMAN RIGHTS**  
2 **COUNCIL.**

3 (a) **IN GENERAL.**—Until the Secretary of State sub-  
4 mits to the appropriate congressional committees a certifi-  
5 cation that the requirements described in subsection (b)  
6 have been satisfied—

7 (1) the United States contribution to the reg-  
8 ular budget of the United Nations shall be reduced  
9 by an amount equal to the percentage of such con-  
10 tribution that the Secretary determines would be al-  
11 located by the United Nations to support the United  
12 Nations Human Rights Council or any of its Special  
13 Procedures;

14 (2) the Secretary shall not make a voluntary  
15 contribution to the United Nations Human Rights  
16 Council; and

17 (3) the United States shall not run for a seat  
18 on the United Nations Human Rights Council.

19 (b) **CERTIFICATION.**—The annual certification re-  
20 ferred to in subsection (a) is a certification made by the  
21 Secretary of State to Congress that the United Nations  
22 Human Rights Council’s agenda does not include a perma-  
23 nent item related to the State of Israel or the Palestinian  
24 territories.

25 (c) **REVERSION OF FUNDS.**—Funds appropriated and  
26 available for a United States contribution to the United

1 Nations but withheld from obligation and expenditure pur-  
2 suant to this section shall immediately revert to the  
3 United States Treasury and the United States Govern-  
4 ment shall not consider them arrears to be repaid to any  
5 United Nations entity.

6 **SEC. 6. UNITED STATES CONTRIBUTIONS TO THE UNITED**  
7 **NATIONS RELIEF AND WORKS AGENCY FOR**  
8 **PALESTINE REFUGEES IN THE NEAR EAST**  
9 **(UNRWA).**

10 Section 301(c) of the Foreign Assistance Act of 1961  
11 (22 U.S.C. 2221(c)) is amended to read as follows:

12 “(c) PALESTINE REFUGEES; CONSIDERATIONS AND  
13 CONDITIONS FOR FURNISHING ASSISTANCE.—

14 “(1) IN GENERAL.—No contributions by the  
15 United States to the United Nations Relief and  
16 Works Agency for Palestine Refugees in the Near  
17 East (UNRWA) for programs in the West Bank and  
18 Gaza, a successor entity or any related entity, or to  
19 the regular budget of the United Nations for the  
20 support of UNRWA or a successor entity for pro-  
21 grams in the West Bank and Gaza, may be provided  
22 until the Secretary certifies to the appropriate con-  
23 gressional committees that—

1           “(A) no official, employee, consultant, con-  
2 tractor, subcontractor, representative, or affil-  
3 iate of UNRWA—

4           “(i) is a member of Hamas or any  
5 United States-designated terrorist group;  
6 or

7           “(ii) has propagated, disseminated, or  
8 incited anti-Israel, or anti-Semitic rhetoric  
9 or propaganda;

10          “(B) no UNRWA school, hospital, clinic,  
11 other facility, or other infrastructure or re-  
12 source is being used by Hamas or an affiliated  
13 group for operations, planning, training, re-  
14 cruitment, fundraising, indoctrination, commu-  
15 nications, sanctuary, storage of weapons or  
16 other materials, or any other purposes;

17          “(C) UNRWA is subject to comprehensive  
18 financial audits by an internationally recognized  
19 third party independent auditing firm and has  
20 implemented an effective system of vetting and  
21 oversight to prevent the use, receipt, or diver-  
22 sion of any UNRWA resources by Hamas or  
23 any United States-designated terrorist group,  
24 or their members; and

1           “(D) no recipient of UNRWA funds or  
2           loans is a member of Hamas or any United  
3           States-designated terrorist group.

4           “(2) APPROPRIATE CONGRESSIONAL COMMIT-  
5           TEES DEFINED.—In this subsection, the term ‘ap-  
6           propriate congressional committees’ means—

7                   “(A) the Committees on Foreign Relations,  
8                   Appropriations, and Homeland Security and  
9                   Governmental Affairs of the Senate; and

10                   “(B) the Committees on Foreign Affairs,  
11                   Appropriations, and Oversight and Government  
12                   Reform of the House of Representatives.”.

13 **SEC. 7. ISRAELI SECURITY ASSISTANCE.**

14           The equivalent amount of all United States contribu-  
15           tions withheld from the Palestinian Authority, the United  
16           Nations Human Rights Council, and the United Nations  
17           Relief and Works Agency for Palestine Refugees in the  
18           Near East under this Act is authorized to be provided to—

19                   (1) the Government of Israel for the Iron Dome  
20                   missile defense system and other missile defense pro-  
21                   grams; and

22                   (2) underground warfare training and tech-  
23                   nology and assistance to identify and deter tunneling  
24                   from Palestinian-controlled territories into Israel.

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