

Calendar No. 247

117TH CONGRESS
2D SESSION**S. 3467**

To withhold United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2022

Mr. RISCH (for himself, Mr. CRAPO, Mr. WICKER, Mr. SCOTT of Florida, Mr. TILLIS, Mr. BOOZMAN, and Mr. THUNE) introduced the following bill; which was read the first time

JANUARY 18, 2022

Read the second time and placed on the calendar

A BILL

To withhold United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 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 “UNRWA Account-
5 ability and Transparency Act”.

1 **SEC. 2. STATEMENT OF POLICY.**

2 (a) PALESTINIAN REFUGEE DEFINED.—It shall be
3 the policy of the United States, in matters concerning the
4 United Nations Relief and Works Agency for Palestine
5 Refugees in the Near East (referred to in this Act as
6 “UNRWA”), which operates in Syria, Lebanon, Jordan,
7 the Gaza Strip, and the West Bank, to define a Pales-
8 tinian refugee as a person who—

9 (1) resided, between June 1946 and May 1948,
10 in the region controlled by Britain between 1922
11 and 1948 that was known as Mandatory Palestine;

12 (2) was personally displaced as a result of the
13 1948 Arab-Israeli conflict; and

14 (3) has not accepted an offer of legal residency
15 status, citizenship, or other permanent adjustment
16 in status in another country or territory.

17 (b) LIMITATIONS ON REFUGEE AND DERIVATIVE
18 REFUGEE STATUS.—In applying the definition under sub-
19 section (a) with respect to refugees receiving assistance
20 from UNRWA, it shall be the policy of the United States,
21 consistent with the definition of refugee in section
22 101(a)(42) of the Immigration and Nationality Act (8
23 U.S.C. 1101(a)(42)) and the requirements for eligibility
24 for refugee status under section 207 of such Act (8 U.S.C.
25 1157), that—

1 (1) derivative refugee status may only be ex-
 2 tended to the spouse or a minor child of a Pales-
 3 tinian refugee; and

4 (2) an alien who is firmly resettled in any coun-
 5 try is not eligible to retain refugee status.

6 **SEC. 3. UNITED STATES' CONTRIBUTIONS TO UNRWA.**

7 Section 301(c) of the Foreign Assistance Act of 1961
 8 (22 U.S.C. 2221) is amended to read as follows:

9 “(c) WITHHOLDING.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) ANTI-SEMITIC.—The term ‘anti-Se-
 12 mitic’—

13 “(i) has the meaning adopted on May
 14 26, 2016, by the International Holocaust
 15 Remembrance Alliance as the non-legally
 16 binding working definition of antisemitism;
 17 and

18 “(ii) includes the contemporary exam-
 19 ples of antisemitism in public life, the
 20 media, schools, the workplace, and in the
 21 religious sphere identified on such date by
 22 the International Holocaust Remembrance
 23 Alliance.

1 “(B) APPROPRIATE CONGRESSIONAL COM-
2 MITTEES.—The term ‘appropriate congressional
3 committees’ means—

4 “(i) the Committee on Foreign Rela-
5 tions of the Senate;

6 “(ii) the Committee on Appropriations
7 of the Senate;

8 “(iii) the Committee on Foreign Af-
9 fairs of the House of Representatives; and

10 “(iv) the Committee on Appropria-
11 tions of the House of Representatives.

12 “(C) BOYCOTT OF, DIVESTMENT FROM,
13 AND SANCTIONS AGAINST ISRAEL.—The term
14 ‘boycott of, divestment from, and sanctions
15 against Israel’ has the meaning given to such
16 term in section 909(f)(1) of the Trade Facilita-
17 tion and Trade Enforcement Act of 2015 (19
18 U.S.C. 4452(f)(1)).

19 “(D) FOREIGN TERRORIST ORGANIZA-
20 TION.—The term ‘foreign terrorist organization’
21 means an organization designated as a foreign
22 terrorist organization by the Secretary of State
23 in accordance with section 219(a) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1189(a)).

1 “(E) UNRWA.—The term ‘UNRWA’
2 means the United Nations Relief and Works
3 Agency for Palestine Refugees in the Near
4 East.

5 “(2) CERTIFICATION.—Notwithstanding any
6 other provision of law, the United States may not
7 provide contributions to UNRWA, to any successor
8 or related entity, or to the regular budget of the
9 United Nations for the support of UNRWA or a
10 successor entity (through staff positions provided by
11 the United Nations Secretariat or otherwise) unless
12 the Secretary of State submits a written certification
13 to the appropriate congressional committees that—

14 “(A) no official, employee, consultant, con-
15 tractor, subcontractor, representative, affiliate
16 of UNRWA, an UNRWA partner organization,
17 or an UNRWA contracting entity pursuant to
18 completion of a thorough vetting and back-
19 ground check process—

20 “(i) is a member of, is affiliated with,
21 or has any ties to a foreign terrorist orga-
22 nization, including Hamas and Hezbollah;

23 “(ii) has advocated, planned, spon-
24 sored, or engaged in any terrorist activity;

1 “(iii) has propagated or disseminated
2 anti-American, anti-Israel, or anti-Semitic
3 rhetoric, incitement, or propaganda, in-
4 cluding—

5 “(I) calling for or encouraging
6 the destruction of Israel;

7 “(II) failing to recognize Israel’s
8 right to exist;

9 “(III) showing maps without
10 Israel;

11 “(IV) describing Israelis as ‘occu-
12 piers’ or ‘settlers’;

13 “(V) advocating, endorsing, or
14 expressing support for violence, ha-
15 tred, jihad, martyrdom, or terrorism,
16 glorifying, honoring, or otherwise me-
17 morializing any person or group that
18 has advocated, sponsored, or com-
19 mitted acts of terrorism, or providing
20 material support to terrorists or their
21 families;

22 “(VI) expressing support for boy-
23 cott of, divestment from, and sanc-
24 tions against Israel (commonly re-
25 ferred to as ‘BDS’);

1 “(VII) claiming or advocating for
2 a ‘right of return’ of refugees into
3 Israel;

4 “(VIII) ignoring, denying, or not
5 recognizing the historic connection of
6 the Jewish people to the land of
7 Israel; and

8 “(IX) calling for violence against
9 Americans; or

10 “(iv) has used any UNRWA re-
11 sources, including publications, websites, or
12 social media platforms, to propagate or
13 disseminate anti-American, anti-Israel, or
14 anti-Semitic rhetoric, incitement, or propa-
15 ganda, including with respect to any of the
16 matters described in subclauses (I)
17 through (IX) of clause (iii);

18 “(B) no UNRWA school, hospital, clinic,
19 facility, or other infrastructure or resource is
20 being used by a foreign terrorist organization or
21 any member thereof—

22 “(i) for terrorist activities, such as op-
23 erations, planning, training, recruitment,
24 fundraising, indoctrination, communica-

1 tions, sanctuary, storage of weapons or
2 other materials; or

3 “(ii) as an access point to any under-
4 ground tunnel network, or any other ter-
5 rorist-related purposes;

6 “(C) UNRWA is subject to comprehensive
7 financial audits by an internationally recognized
8 third party independent auditing firm that—

9 “(i) is agreed upon by the Govern-
10 ment of Israel and the Palestinian Author-
11 ity; and

12 “(ii) has implemented an effective sys-
13 tem of vetting and oversight to prevent the
14 use, receipt, or diversion of any UNRWA
15 resources by any foreign terrorist organiza-
16 tion or members thereof;

17 “(D) no UNRWA controlled or funded fa-
18 cility, such as a school, an educational institu-
19 tion, or a summer camp, uses textbooks or
20 other educational materials that propagate or
21 disseminate anti-American, anti-Israel, or anti-
22 Semitic rhetoric, incitement, or propaganda, in-
23 cluding with respect to any of the matters de-
24 scribed in subclauses (I) through (IX) of sub-
25 paragraph (A)(iii);

1 “(E) no recipient of UNRWA funds or
2 loans is—

3 “(i) a member of, is affiliated with, or
4 has any ties to a foreign terrorist organiza-
5 tion; or

6 “(ii) otherwise engaged in terrorist ac-
7 tivities; and

8 “(F) UNRWA holds no accounts or other
9 affiliations with financial institutions that the
10 United States considers or believes to be
11 complicit in money laundering and terror fi-
12 nancing.

13 “(3) PERIOD OF EFFECTIVENESS.—

14 “(A) IN GENERAL.—A certification de-
15 scribed in paragraph (2) shall be effective until
16 the earlier of—

17 “(i) the date on which the Secretary
18 receives information rendering the certifi-
19 cation described in paragraph (2) factually
20 inaccurate; or

21 “(ii) the date that is 180 days after
22 the date on which it is submitted to the
23 appropriate congressional committees.

24 “(B) NOTIFICATION OF RENUNCIATION.—

25 If a certification becomes ineffective pursuant

1 to subparagraph (A), the Secretary shall
2 promptly notify the appropriate congressional
3 committees of the reasons for renouncing or
4 failing to renew such certification.

5 “(4) LIMITATION.—During any year in which a
6 certification described in paragraph (1) is in effect,
7 the United States may not contribute to UNRWA,
8 or to any successor entity, an amount that—

9 “(A) is greater than the highest contribu-
10 tion to UNRWA made by a member country of
11 the League of Arab States for such year; and

12 “(B) is greater (as a proportion of the
13 total UNRWA budget) than the proportion of
14 the total budget for the United Nations High
15 Commissioner for Refugees paid by the United
16 States.”.

17 **SEC. 4. REPORT.**

18 (a) APPROPRIATE CONGRESSIONAL COMMITTEES
19 DEFINED.—In this section, the term “appropriate con-
20 gressional committees” means—

21 (1) the Committee on Foreign Relations of the
22 Senate;

23 (2) the Committee on Appropriations of the
24 Senate;

1 (3) the Committee on Foreign Affairs of the
2 House of Representatives; and

3 (4) the Committee on Appropriations of the
4 House of Representatives.

5 (b) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, and annually thereafter,
7 the Secretary of State shall submit a report to the appro-
8 priate congressional committees describing the actions
9 being taken to implement a comprehensive plan for—

10 (1) encouraging other countries to adopt the
11 policy regarding Palestinian refugees that is de-
12 scribed in section 2;

13 (2) urging other countries to withhold their
14 contributions to UNRWA, to any successor or re-
15 lated entity, or to the regular budget of the United
16 Nations for the support of UNRWA or a successor
17 entity (through staff positions provided by the
18 United Nations Secretariat or otherwise) until
19 UNRWA has met the conditions listed in subpara-
20 graphs (A) through (F) of section 301(e)(2) of the
21 Foreign Assistance Act of 1961, as added by section
22 3;

23 (3) working with other countries to phase out
24 UNRWA and assist Palestinians receiving UNRWA
25 services by—

1 (A) integrating such Palestinians into their
2 local communities in the countries in which they
3 are residing; or

4 (B) resettling such Palestinians in coun-
5 tries other than Israel or territories controlled
6 by Israel in the West Bank in accordance with
7 international humanitarian principles; and

8 (4) ensuring that the actions described in para-
9 graph (3)—

10 (A) are being implemented in complete co-
11 ordination with, and with the support of, Israel;
12 and

13 (B) do not endanger the security of Israel
14 in any way.

15 **SEC. 5. EFFECTIVE DATE.**

16 This Act shall take effect on the date that is 5 days
17 after the date of the enactment of this Act.

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