

113TH CONGRESS
2D SESSION

H. R. 5647

To promote transparency, accountability, and reform within the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Ms. ROS-LEHTINEN (for herself, Mr. PERRY, Mr. YOHIO, and Mr. DESANTIS) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote transparency, accountability, and reform within the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “UNRWA Anti-Terrorism Act”.

6 (b) TABLE OF CONTENTS.—The table of contents is
7 as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. United States contributions to UNRWA.

Sec. 4. Sense of Congress.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The total annual budget of the United Na-
4 tions Relief and Works Agency for Palestine Refu-
5 gees in the Near East (UNRWA), including its core
6 programs, emergency activities, and special projects,
7 exceeds \$1,400,000,000.

8 (2) The United States has long been the largest
9 single contributing country to UNRWA.

10 (3) From 1950 to 2014, the United States has
11 contributed almost \$5,000,000,000 to UNRWA, in-
12 cluding an average of over \$260,000,000 per year
13 between fiscal years 2009 and 2014.

14 (4) UNRWA staff unions, including the teach-
15 ers' union, are frequently controlled by members af-
16 filiated with Hamas.

17 (5) The curriculum of UNRWA schools, which
18 has been known to use the textbooks of their respec-
19 tive host governments or authorities, has a history
20 of containing materials that are anti-Israel, anti-Se-
21 mitic, and supporting violent extremism.

22 (6) Despite UNRWA's contravention of United
23 States law and activities that compromise its strictly
24 humanitarian mandate, UNRWA continues to re-

1 ceive United States contributions, including
2 \$294,000,000 in fiscal year 2013 and over
3 \$250,000,000 in just the first 6 months of 2014.

4 (7) Assistance from the United States and
5 other responsible nations allows UNRWA to claim
6 that criticisms of the agency's behavior are un-
7 founded. UNRWA spokesman Christopher Gunness
8 has dismissed concerns by stating that, "If these
9 baseless allegations were even halfway true, do you
10 really think the U.S. and [European Commission]
11 would give us hundreds of millions of dollars per
12 year?''.

13 (8) Former UNRWA general counsel James
14 Lindsay noted in a 2009 report the following:

15 (A) "The United States, despite funding
16 nearly 75 percent of UNRWA's national budget
17 and remaining its largest single country donor,
18 has mostly failed to make UNRWA reflect U.S.
19 foreign policy objectives . . . Recent U.S. efforts
20 to shape UNRWA appear to have been ineffec-
21 tive . . .".

22 (B) "[T]he United States is not obligated
23 to fund agencies that refuse to check its rolls
24 for individuals their donors do not wish to sup-
25 port.".

1 (C) “A number of changes in UNRWA
2 could benefit the refugees, the Middle East, and
3 the United States, but those changes will not
4 occur unless the United States, ideally with
5 support from UNRWA’s other main financial
6 supporter, the European Union, compels the
7 agency to enact reforms.”.

8 (D) “If the [UNRWA commissioner-gen-
9 eral’s] power is used in ways that are conflict
10 with the donors’ political objectives, it is up to
11 the donors to take the necessary actions to en-
12 sure that their interests are respected. When
13 they have done so, UNRWA—given the tight fi-
14 nancial leash it has been on for most of its ex-
15 istence—has tended to follow their dictates,
16 even if sometimes slowly.”.

17 (9) During Israel’s Operation Protective Edge
18 in 2014 in response to Hamas rocket attacks against
19 Israel, UNRWA’s Commissioner General gave a
20 press briefing ignoring the extraordinary efforts
21 Israel goes to avoid civilian casualties, and not once
22 in the nearly 1,100 word statement mentioning
23 Hamas or condemning Hamas’ use of Palestinian
24 children, women, and men as human shields in viola-
25 tion of international humanitarian law.

1 (10) On July 16, 2014, UNRWA reported that
2 it had found 20 missiles in one of its schools in
3 Gaza, likely placed there by Hamas, and then in-
4 stead of dismantling the missiles, UNRWA returned
5 them to the “relevant authorities” in Gaza, and
6 since Hamas controls Gaza, it likely turned them
7 back over to Hamas.

8 (11) On July 22, 2014, UNRWA reported that
9 it had found a second instance in which missiles
10 were stockpiled in one of its schools in Gaza, and
11 again failed to condemn Hamas publicly.

12 (12) On July 29, 2014, UNRWA confirmed
13 that, for the third time in less than a month, a
14 stockpile of Hamas rockets was found in one of its
15 schools in Gaza, establishing a pattern of Hamas
16 weapons being stored in UNRWA facilities, and call-
17 ing into question UNRWA’s claim of being caught
18 unawares to Hamas’ actions.

19 (13) On July 30, 2014, three Israeli Defense
20 Force soldiers were killed in an explosion at a booby-
21 trapped UNRWA health clinic, which was housing
22 the opening to one of Hamas’ underground tunnels.

23 (14) On July 30, 2014, John Ging, head of
24 UNRWA from 2006–2011, when asked if Hamas
25 has been using human shields and using United Na-

1 tions schools and hospitals to store weapons and as
2 a shelter from which to launch missiles into Israel,
3 stated in an interview, “Yes, the armed groups are
4 firing their rockets into Israel from the vicinity of
5 UN facilities and residential areas. Absolutely.”.

6 (15) During Operation Protective Edge in
7 Gaza, UNRWA repeatedly distorted the facts and
8 accused Israel of targeting Palestinian women and
9 children based off of the casualty numbers provided
10 to it by Gaza’s Hamas-run Health Ministry, which
11 has been shown to have deliberately lied about the
12 casualty numbers.

13 **SEC. 3. UNITED STATES CONTRIBUTIONS TO UNRWA.**

14 Section 301 of the Foreign Assistance Act of 1961
15 (22 U.S.C. 2221) is amended by striking subsection (c)
16 and inserting the following new subsection:

17 “(c)(1) WITHHOLDING.—Contributions by the
18 United States to the United Nations Relief and Works
19 Agency for Palestine Refugees in the Near East
20 (UNRWA), to any successor or related entity, or to the
21 regular budget of the United Nations for the support of
22 UNRWA or a successor entity (through staff positions
23 provided by the United Nations Secretariat or otherwise),
24 may be provided only during a period for which a certifi-
25 cation described in paragraph (2) is in effect.

1 “(2) CERTIFICATION.—A certification described in
2 this paragraph is a written determination by the Secretary
3 of State, based on all information available after diligent
4 inquiry, and transmitted to the appropriate congressional
5 committees along with a detailed description of the factual
6 basis therefore, that—

7 “(A) no official, employee, consultant, con-
8 tractor, subcontractor, representative, or affiliate of
9 UNRWA—

10 “(i) is a member of a foreign terrorist or-
11 ganization;

12 “(ii) has propagated, disseminated, or in-
13 cited anti-American, anti-Israel, or anti-Semitic
14 rhetoric or propaganda; or

15 “(iii) has used any UNRWA resources, in-
16 cluding publications or Web sites, to propagate
17 or disseminate political materials, including po-
18 litical rhetoric regarding the Israeli-Palestinian
19 conflict;

20 “(B) no UNRWA school, hospital, clinic, other
21 facility, or other infrastructure or resource is being
22 used by a foreign terrorist organization for oper-
23 ations, planning, training, recruitment, fundraising,
24 indoctrination, communications, sanctuary, storage
25 of weapons or other materials, or as an access point

1 to any underground tunnel network, or any other
2 purposes;

3 “(C) UNRWA is subject to comprehensive fi-
4 nancial audits by an internationally recognized third
5 party independent auditing firm and has imple-
6 mented an effective system of vetting and oversight
7 to prevent the use, receipt, or diversion of any
8 UNRWA resources by any foreign terrorist organiza-
9 tion or members thereof;

10 “(D) no UNRWA-funded school or educational
11 institution uses textbooks or other educational mate-
12 rials that propagate or disseminate anti-American,
13 anti-Israel, or anti-Semitic rhetoric, propaganda or
14 incitement;

15 “(E) no recipient of UNRWA funds or loans is
16 a member of a foreign terrorist organization; and

17 “(F) UNRWA holds no accounts or other affili-
18 ations with financial institutions that the United
19 States deems or believes to be complicit in money
20 laundering and terror financing.

21 “(3) DEFINITIONS.—In this section:

22 “(A) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term ‘appropriate congressional com-
24 mittees’ means—

1 “(i) the Committee on Foreign Affairs, the
2 Committee on Appropriations, and the Com-
3 mittee on Oversight and Government Reform of
4 the House of Representatives; and

5 “(ii) the Committee on Foreign Relations,
6 the Committee on Appropriations, and the
7 Committee on Homeland Security and Govern-
8 mental Affairs of the Senate.

9 “(B) FOREIGN TERRORIST ORGANIZATION.—
10 The term ‘foreign terrorist organization’ means an
11 organization designated as a foreign terrorist organi-
12 zation by the Secretary of State in accordance with
13 section 219(a) of the Immigration and Nationality
14 Act (8 U.S.C. 1189(a)).

15 “(4) EFFECTIVE DURATION OF CERTIFICATION.—
16 The certification described in paragraph (2) shall be effec-
17 tive for a period of 180 days from the date of transmission
18 to the appropriate congressional committees, or until the
19 Secretary receives information rendering that certification
20 factually inaccurate, whichever is earliest. In the event
21 that a certification becomes ineffective, the Secretary shall
22 promptly transmit to the appropriate congressional com-
23 mittees a description of any information that precludes the
24 renewal or continuation of the certification.

1 “(5) LIMITATION.—During a period for which a cer-
2 tification described in paragraph (2) is in effect, the
3 United States may not contribute to UNRWA or a suc-
4 cessor entity an amount on an annual basis that—

5 “(A) is greater than the highest annual con-
6 tribution to UNRWA made by a member country of
7 the League of Arab States for the same year;

8 “(B) as a proportion of the total UNRWA
9 budget, exceeds the proportion of the total budget
10 for the United Nations High Commissioner for Ref-
11 ugees (UNHCR) paid by the United States; or

12 “(C) exceeds 22 percent of the total budget of
13 UNRWA”.

14 **SEC. 4. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the President and the Secretary of State
17 should lead a high-level diplomatic effort to encour-
18 age other responsible nations to withhold contribu-
19 tions to the United Nations Relief and Works Agen-
20 cy for Palestine Refugees in the Near East
21 (UNRWA), to any successor or related entity, or to
22 the regular budget of the United Nations for the
23 support of UNRWA or a successor entity (through
24 staff positions provided by the United Nations Sec-
25 retariat or otherwise) until UNRWA has met the

1 conditions listed in subparagraphs (A) through (F)
2 of section 301(c)(2) of the Foreign Assistance Act of
3 1961 (as added by section 2 of this Act);

4 (2) citizens of recognized states should be re-
5 moved from UNRWA's jurisdiction;

6 (3) UNRWA's definition of a "Palestine ref-
7 ugee" should be changed to that used for a refugee
8 by the Office of the United Nations High Commis-
9 sioner for Refugees; and

10 (4) in order to alleviate the suffering of Pales-
11 tinian refugees, responsibility for those refugees
12 should be fully transferred to the Office of the
13 United Nations High Commissioner for Refugees.

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