

114TH CONGRESS
1ST SESSION

H. R. 3829

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

OCTOBER 26, 2015

Ms. ROS-LEHTINEN 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-Incitement and 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 over \$5,250,000,000 to UNRWA, in-
12 cluding an average of over \$277,000,000 per year
13 between fiscal years 2009 and 2015.

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 use the textbooks of their respective host govern-
19 ments or authorities, has long contained materials
20 that are anti-Israel, anti-Semitic, and supportive of
21 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 \$408,751,396 in 2014.

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

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

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

21 (B) "[T]he United States is not obligated
22 to fund agencies that refuse to check its rolls
23 for individuals their donors do not wish to sup-
24 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 [in] con-
10 flict with the donors’ political objectives, it is up
11 to the donors to take the necessary actions to
12 ensure 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 (16) On September 1, 2015, the nongovern-
14 mental organization, UN Watch, published a report
15 which documented 12 different Facebook accounts
16 operated by UNRWA officials that openly incite to
17 anti-Semitism and violence, including Ahmed Fathi
18 Bader, who identified himself as a Deputy School
19 Principal at UNRWA and who praised the murder
20 of “a group of collaborators with the Jews”.

21 (17) On October 16, 2015, UN Watch pub-
22 lished a report entitled “Report on UNRWA Teach-
23 ers and Other Officials Inciting Violence & Anti-
24 semitism”, identifying an additional 10 UNRWA in-
25 dividuals that openly incite to anti-Semitism and vio-

1 lence, including Hani Al Ramahi, who identified
 2 himself as a “Projects Support Assistant at
 3 UNRWA”, and who posted an image that encour-
 4 aged Palestinians to “stab Zionist dogs”.

5 (18) On October 20, 2015, the United Nations
 6 Secretary-General’s Deputy Spokesman’s office, in
 7 response to a question regarding the UNRWA alle-
 8 gations raised in the UN Watch reports, stated that
 9 “in a number of cases so far, the Agency has found
 10 staff Facebook postings to be in violation of its so-
 11 cial media rules . . . the staff have been subject to
 12 both remedial and disciplinary action, including sus-
 13 pension and loss of pay. The remaining allegations
 14 are under assessment”.

15 (19) As of October 21, 2015, there have been
 16 at least 9 Israelis killed and dozens more injured in
 17 at least 44 violent attacks in Israel and the Pales-
 18 tinian territories since September 13, 2015.

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

20 Section 301 of the Foreign Assistance Act of 1961
 21 (22 U.S.C. 2221) is amended by striking subsection (c)
 22 and inserting the following new subsection:

23 “(c)(1) WITHHOLDING.—Contributions by the
 24 United States to the United Nations Relief and Works
 25 Agency for Palestine Refugees in the Near East

1 (UNRWA), to any successor or related entity, or to the
2 regular budget of the United Nations for the support of
3 UNRWA or a successor entity (through staff positions
4 provided by the United Nations Secretariat or otherwise),
5 may be provided only during a period for which a certifi-
6 cation described in paragraph (2) is in effect.

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

13 “(A) no official, employee, consultant, con-
14 tractor, subcontractor, representative, or affiliate of
15 UNRWA—

16 “(i) is a member of a foreign terrorist or-
17 ganization;

18 “(ii) has propagated, disseminated, or in-
19 cited anti-American, anti-Israel, or anti-Semitic
20 rhetoric or propaganda; or

21 “(iii) has used any UNRWA resources, in-
22 cluding publications or Web sites, to propagate
23 or disseminate political materials, including po-
24 litical rhetoric regarding the Israeli-Palestinian
25 conflict;

1 “(B) no UNRWA school, hospital, clinic, other
2 facility, or other infrastructure or resource is being
3 used by a foreign terrorist organization for oper-
4 ations, planning, training, recruitment, fundraising,
5 indoctrination, communications, sanctuary, storage
6 of weapons or other materials, or as an access point
7 to any underground tunnel network, or any other
8 purposes;

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

16 “(D) no UNRWA-funded school or educational
17 institution uses textbooks or other educational mate-
18 rials that propagate or disseminate anti-American,
19 anti-Israel, or anti-Semitic rhetoric, propaganda or
20 incitement;

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

23 “(F) UNRWA holds no accounts or other affili-
24 ations with financial institutions that the United

1 States deems or believes to be complicit in money
2 laundering and terror financing.

3 “(3) DEFINITIONS.—In this section:

4 “(A) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term ‘appropriate congressional com-
6 mittees’ means—

7 “(i) the Committee on Foreign Affairs, the
8 Committee on Appropriations, and the Com-
9 mittee on Oversight and Government Reform of
10 the House of Representatives; and

11 “(ii) the Committee on Foreign Relations,
12 the Committee on Appropriations, and the
13 Committee on Homeland Security and Govern-
14 mental Affairs of the Senate.

15 “(B) FOREIGN TERRORIST ORGANIZATION.—
16 The term ‘foreign terrorist organization’ means an
17 organization designated as a foreign terrorist organi-
18 zation by the Secretary of State in accordance with
19 section 219(a) of the Immigration and Nationality
20 Act (8 U.S.C. 1189(a)).

21 “(4) EFFECTIVE DURATION OF CERTIFICATION.—
22 The certification described in paragraph (2) shall be effec-
23 tive for a period of 180 days from the date of transmission
24 to the appropriate congressional committees, or until the
25 Secretary receives information rendering that certification

1 factually inaccurate, whichever is earliest. In the event
2 that a certification becomes ineffective, the Secretary shall
3 promptly transmit to the appropriate congressional com-
4 mittees a description of any information that precludes the
5 renewal or continuation of the certification.

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

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

13 “(B) as a proportion of the total UNRWA
14 budget, exceeds the proportion of the total budget
15 for the United Nations High Commissioner for Ref-
16 ugees (UNHCR) paid by the United States; or

17 “(C) exceeds 22 percent of the total budget of
18 UNRWA.”.

19 **SEC. 4. SENSE OF CONGRESS.**

20 It is the sense of Congress that—

21 (1) the President and the Secretary of State
22 should lead a high-level diplomatic effort to encour-
23 age other responsible nations to withhold contribu-
24 tions to the United Nations Relief and Works Agen-
25 cy for Palestine Refugees in the Near East

1 (UNRWA), to any successor or related entity, or to
2 the regular budget of the United Nations for the
3 support of UNRWA or a successor entity (through
4 staff positions provided by the United Nations Sec-
5 retariat or otherwise) until UNRWA has met the
6 conditions listed in subparagraphs (A) through (F)
7 of section 301(c)(2) of the Foreign Assistance Act of
8 1961 (as added by section 3 of this Act);

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

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

15 (4) in order to alleviate the suffering of Pales-
16 tinian refugees, responsibility for those refugees
17 should be fully transferred to the Office of the
18 United Nations High Commissioner for Refugees.

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