

118TH CONGRESS
1ST SESSION

S. 431

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

FEBRUARY 15, 2023

Mr. RISCH (for himself, Mr. RUBIO, Mr. CASSIDY, Mr. SCOTT of Florida, Mrs. BLACKBURN, Mrs. HYDE-SMITH, Mr. CRAPO, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. LEE, Mr. HAGERTY, Ms. ERNST, Mr. BUDD, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 (a) PALESTINIAN REFUGEE DEFINED.—It shall be
8 the policy of the United States, in matters concerning the

1 United Nations Relief and Works Agency for Palestine
2 Refugees in the Near East (referred to in this Act as
3 “UNRWA”), which operates in Syria, Lebanon, Jordan,
4 the Gaza Strip, and the West Bank, to define a Pales-
5 tinian refugee as a person who—

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

9 (2) was personally displaced as a result of the
10 1948 Arab-Israeli conflict; and

11 (3) has not accepted an offer of legal residency
12 status, citizenship, or other permanent adjustment
13 in status in another country or territory.

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

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

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

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

4 Section 301(c) of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2221) is amended to read as follows:

6 “(c) WITHHOLDING.—

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

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

10 “(i) has the meaning adopted on May
11 26, 2016, by the International Holocaust
12 Remembrance Alliance as the non-legally
13 binding working definition of antisemitism;
14 and

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

21 “(B) APPROPRIATE CONGRESSIONAL COM-
22 MITTEES.—The term ‘appropriate congressional
23 committees’ means—

24 “(i) the Committee on Foreign Rela-
25 tions of the Senate;

1 “(ii) the Committee on Appropriations
2 of the Senate;

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

5 “(iv) the Committee on Appropria-
6 tions of the House of Representatives.

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

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

20 “(E) UNRWA.—The term ‘UNRWA’
21 means the United Nations Relief and Works
22 Agency for Palestine Refugees in the Near
23 East.

24 “(2) CERTIFICATION.—Notwithstanding any
25 other provision of law, the United States may not

1 provide contributions to UNRWA, to any successor
2 or related entity, or to the regular budget of the
3 United Nations for the support of UNRWA or a
4 successor entity (through staff positions provided by
5 the United Nations Secretariat or otherwise) unless
6 the Secretary of State submits a written certification
7 to the appropriate congressional committees that—

8 “(A) no official, employee, consultant, con-
9 tractor, subcontractor, representative, affiliate
10 of UNRWA, an UNRWA partner organization,
11 or an UNRWA contracting entity pursuant to
12 completion of a thorough vetting and back-
13 ground check process—

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

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

19 “(iii) has propagated or disseminated
20 anti-American, anti-Israel, or anti-Semitic
21 rhetoric, incitement, or propaganda, in-
22 cluding—

23 “(I) calling for or encouraging
24 the destruction of Israel;

1 “(II) failing to recognize Israel’s
2 right to exist;

3 “(III) showing maps without
4 Israel;

5 “(IV) describing Israelis as ‘occu-
6 piers’ or ‘settlers’;

7 “(V) advocating, endorsing, or
8 expressing support for violence, ha-
9 tred, jihad, martyrdom, or terrorism,
10 glorifying, honoring, or otherwise me-
11 morializing any person or group that
12 has advocated, sponsored, or com-
13 mitted acts of terrorism, or providing
14 material support to terrorists or their
15 families;

16 “(VI) expressing support for boy-
17 cott of, divestment from, and sanc-
18 tions against Israel (commonly re-
19 ferred to as ‘BDS’);

20 “(VII) claiming or advocating for
21 a ‘right of return’ of refugees into
22 Israel;

23 “(VIII) ignoring, denying, or not
24 recognizing the historic connection of

1 the Jewish people to the land of
2 Israel; and

3 “(IX) calling for violence against
4 Americans; or

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

13 “(B) no UNRWA school, hospital, clinic,
14 facility, or other infrastructure or resource is
15 being used by a foreign terrorist organization or
16 any member thereof—

17 “(i) for terrorist activities, such as op-
18 erations, planning, training, recruitment,
19 fundraising, indoctrination, communica-
20 tions, sanctuary, storage of weapons or
21 other materials; or

22 “(ii) as an access point to any under-
23 ground tunnel network, or any other ter-
24 rorist-related purposes;

1 “(C) UNRWA is subject to comprehensive
2 financial audits by an internationally recognized
3 third party independent auditing firm that—

4 “(i) is agreed upon by the Govern-
5 ment of Israel and the Palestinian Author-
6 ity; and

7 “(ii) has implemented an effective sys-
8 tem of vetting and oversight to prevent the
9 use, receipt, or diversion of any UNRWA
10 resources by any foreign terrorist organiza-
11 tion or members thereof;

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

21 “(E) no recipient of UNRWA funds or
22 loans is—

23 “(i) a member of, is affiliated with, or
24 has any ties to a foreign terrorist organiza-
25 tion; or

1 “(ii) otherwise engaged in terrorist ac-
2 tivities; and

3 “(F) UNRWA holds no accounts or other
4 affiliations with financial institutions that the
5 United States considers or believes to be
6 complicit in money laundering and terror fi-
7 nancing.

8 “(3) PERIOD OF EFFECTIVENESS.—

9 “(A) IN GENERAL.—A certification de-
10 scribed in paragraph (2) shall be effective until
11 the earlier of—

12 “(i) the date on which the Secretary
13 receives information rendering the certifi-
14 cation described in paragraph (2) factually
15 inaccurate; or

16 “(ii) the date that is 180 days after
17 the date on which it is submitted to the
18 appropriate congressional committees.

19 “(B) NOTIFICATION OF RENUNCIATION.—

20 If a certification becomes ineffective pursuant
21 to subparagraph (A), the Secretary shall
22 promptly notify the appropriate congressional
23 committees of the reasons for renouncing or
24 failing to renew such certification.

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

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

8 “(B) is greater (as a proportion of the
9 total UNRWA budget) than the proportion of
10 the total budget for the United Nations High
11 Commissioner for Refugees paid by the United
12 States.”.

13 **SEC. 4. REPORT.**

14 (a) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means—

17 (1) the Committee on Foreign Relations of the
18 Senate;

19 (2) the Committee on Appropriations of the
20 Senate;

21 (3) the Committee on Foreign Affairs of the
22 House of Representatives; and

23 (4) the Committee on Appropriations of the
24 House of Representatives.

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

6 (1) encouraging other countries to adopt the
7 policy regarding Palestinian refugees that is de-
8 scribed in section 2;

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

19 (3) working with other countries to phase out
20 UNRWA and assist Palestinians receiving UNRWA
21 services by—

22 (A) integrating such Palestinians into their
23 local communities in the countries in which they
24 are residing; or

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

5 (4) ensuring that the actions described in para-
6 graph (3)—

7 (A) are being implemented in complete co-
8 ordination with, and with the support of, Israel;
9 and

10 (B) do not endanger the security of Israel
11 in any way.

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