

115TH CONGRESS
2D SESSION

S. 3425

To redirect United States funding from the United Nations Relief and Works Agency for Palestine Refugees in the Near East to other entities providing assistance to Palestinians living in the West Bank, the Gaza Strip, Jordan, Syria, and Lebanon.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2018

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

A BILL

To redirect United States funding from the United Nations Relief and Works Agency for Palestine Refugees in the Near East to other entities providing assistance to Palestinians living in the West Bank, the Gaza Strip, Jordan, Syria, and Lebanon.

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 Assistance
5 Reform Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The United States, which has been the larg-
2 est donor to the United Nations Relief and Works
3 Agency for Palestine Refugees in the Near East (re-
4 ferred to in this Act as “UNRWA”), has contributed
5 more than \$6,000,000,000 to UNRWA since 1949.

6 (2) UNRWA was originally established with the
7 good intention of assisting Arab refugees displaced
8 by the 1948 Arab-Israeli conflict to rebuild their
9 lives.

10 (3) UNRWA’s current mandate provides for an
11 increase in the population of Arab persons who are
12 assured, through their status as “Palestine refu-
13 gees”, that they will be entitled to return to Israel.

14 (4) UNRWA has identified more than
15 5,000,000 UNRWA refugees in its records.

16 (5) If 5,000,000 UNRWA refugees were to
17 move to Israel, the Jewish people would become a
18 minority population in Israel, and Israel would no
19 longer be a Jewish State.

20 (6) By 2030, the number of refugees recognized
21 by UNRWA is expected to reach 8,500,000.

22 (7) UNRWA’s definition of refugees includes—

23 (A) individuals who are several generations
24 removed from the 1948 Arab-Israeli conflict;

1 (B) individuals who were born decades
2 after the conflict ended; and

3 (C) persons who have received citizenship
4 from other countries.

5 (8) UNRWA considers more than 2,000,000
6 citizens of Jordan, most of whom were born in Jor-
7 dan and have lived in Jordan for their entire lives,
8 as “Palestine refugees”.

9 (9) UNRWA considers persons as “Palestine
10 refugees” if they live in the Gaza Strip or in the
11 West Bank, which is the putative home of a future
12 Palestinian state.

13 (10) United States and international support
14 for UNRWA, an entity funded predominantly by
15 Western countries, may be construed by Palestinians
16 to be the official guarantor that their demand to re-
17 turn to Israel is an internationally sanctioned right.

18 (11) On December 23, 2000, President Bill
19 Clinton articulated, in his proposal on Israeli-Pales-
20 tinian peace (known as the Clinton Parameters)—

21 (A) the need for a policy that makes “clear
22 that there is no specific right of return to
23 Israel” for the Palestinian people; and

1 (B) with respect to Palestinian refugees, a
2 “Palestinian state would be the focal point for
3 Palestinians who choose to return to the area”.

4 (12) UNRWA refugee camps have been used by
5 the international community—

6 (A) to prevent Palestinians from peaceably
7 settling and focusing on building their liveli-
8 hoods and future; and

9 (B) to encourage Palestinians to prepare
10 for a return to Israel.

11 (13) The presence of UNRWA refugee camps is
12 directly correlated with unemployment and low earn-
13 ings among Palestinian communities.

14 (14) According to the Palestinian Central Bu-
15 reau of Statistics—

16 (A) 4 of the 5 governorates of the West
17 Bank and Gaza with the highest percentage of
18 their populations living in UNRWA camps have
19 the highest rates of unemployment; and

20 (B) 5 of the 6 governorates of the West
21 Bank and Gaza with the highest percentage of
22 their populations living in UNRWA camps also
23 have the lowest average daily wages.

24 (15) UNRWA facilities have been used to sup-
25 port terrorist activities.

1 (16) On July 16, 2014, UNRWA reported
2 that—

3 (A) it had found 20 missiles in one of its
4 schools in Gaza, which were likely placed at the
5 school by Hamas; and

6 (B) it returned the missiles to the “rel-
7 evant authorities” in Gaza, which is controlled
8 by Hamas.

9 (17) On July 22, 2014, UNRWA reported that
10 it had found additional missiles that had been stock-
11 piled in another of its schools in Gaza.

12 (18) On July 29, 2014, UNRWA confirmed, for
13 the third time in less than a month, that a stockpile
14 of Hamas rockets was found in one of its schools in
15 Gaza, which—

16 (A) established a pattern of Hamas weap-
17 ons being stored in UNRWA facilities; and

18 (B) calls into question UNRWA’s claim of
19 being caught unawares to Hamas’ actions.

20 (19) On July 30, 2014, John Ging, who was
21 the Director of UNRWA Operations in the Gaza
22 Strip from 2006 to 2011, when asked if Hamas has
23 been using human shields and using United Nations
24 schools and hospitals to store weapons and as a shel-
25 ter from which to launch missiles into Israel, stated,

1 “Yes, the armed groups are firing their rockets into
2 Israel from the vicinity of UN facilities and residen-
3 tial areas. Absolutely.”.

4 (20) On September 1, 2015, the nongovern-
5 mental organization UN Watch published a report
6 documenting 12 different Facebook accounts oper-
7 ated by UNRWA officials that openly incite anti-
8 Semitism and violence, including Ahmed Fathi
9 Bader, who—

10 (A) identified himself as a Deputy School
11 Principal at UNRWA; and

12 (B) praised the murder of “a group of col-
13 laborators with the Jews”.

14 (21) On October 16, 2015, UN Watch pub-
15 lished a “Report on UNRWA Teachers and Other
16 Officials Inciting Violence & Antisemitism” identi-
17 fying an additional 10 UNRWA individuals that
18 openly incite to anti-Semitism and violence, includ-
19 ing Hani Al Ramahi, who—

20 (A) identified himself as a “Projects Sup-
21 port Assistant at UNRWA”; and

22 (B) posted an image that encouraged Pal-
23 estinians to “stab Zionist dogs”.

24 (22) On February 26, 2017, UNRWA an-
25 nounced that it had suspended Suhail al-Hindi, the

1 chairman of the UNRWA Palestinian workers’ union
2 in Gaza and the principal of an UNRWA elementary
3 school after receiving substantial information that
4 al-Hindi was elected to Hamas’ politburo in a vote
5 in early February 2017.

6 **SEC. 3. STATEMENT OF POLICY.**

7 It is the policy of the United States—

8 (1) to continue supporting assistance to the
9 Palestinians by—

10 (A) addressing urgent humanitarian needs;

11 (B) promoting peace in the region;

12 (C) improving security in the region;

13 (D) supporting transparent and account-
14 able government institutions; and

15 (E) promoting a private sector economy;

16 (2) to provide assistance to the Palestinians
17 based on humanitarian, security, and economic
18 needs; and

19 (3) to make the UNRWA’s definition of “ref-
20 ugee” consistent with United States law, including
21 sections 101(a)(42), 207(c)(2), and 208(b)(2)(A)(vi)
22 of the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(42), 1157(c)(2), and 1158(b)(2)(A)(vi).

24 **SEC. 4. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1 (1) United States humanitarian, economic, and
2 security assistance to the Palestinians is an impor-
3 tant component of United States foreign policy that
4 serves to promote long-lasting peace between Israelis
5 and Palestinians;

6 (2) United States support for Palestinians
7 should be structured in a manner that promotes the
8 prospects for peace, rather than in a manner that
9 undermines peace;

10 (3) continued United States financial support
11 for UNRWA (absent significant reform)—

12 (A) enables the fostering of ill will toward
13 Israel and the United States rather than build-
14 ing a stable and prosperous future for Palestin-
15 ians; and

16 (B) further exacerbates the dire economic
17 situation faced by Palestinian communities, as
18 documented by the Palestinian Central Bureau
19 of Statistics' reporting of higher unemployment
20 and lower wages in areas with a greater propor-
21 tion of Palestinians living inside UNRWA
22 camps;

23 (4) UNRWA promotes a political and economic
24 environment that is not in the immediate- or long-
25 term interest of the Palestinian people;

1 (5) United States financial support for
2 UNRWA should not be construed to imply United
3 States support for all Palestinians' right of return to
4 Israel;

5 (6) nothing prevents the United States from
6 providing assistance to Palestinians in need regard-
7 less of refugee status;

8 (7) UNRWA's policy of expanding the Pales-
9 tinian refugee population, generation after genera-
10 tion, in contrast to every other refugee population in
11 history, is not a financially sustainable model for
12 United States taxpayers to continue to support with-
13 out significant reform;

14 (8) UNRWA, which has approximately 33,000
15 Palestinians on its payroll and provides many basic
16 services in parallel to the Palestinian Authority is an
17 obstacle to the Palestinian Authority's ability to gov-
18 ern and provide basic services;

19 (9) the United Nations should prioritize the dis-
20 mantlement of UNRWA refugee camps in the West
21 Bank and Gaza to allow Palestinians currently resid-
22 ing in such camps to integrate into their local com-
23 munities and labor force;

24 (10) Senate Report 112–172 directed the Sec-
25 retary of State to submit a report indicating—

1 (A) the approximate number of people cur-
2 rently served by UNRWA who actually lived in
3 what was referred to as Palestine between 1946
4 and 1948 and were displaced by the 1948 Arab-
5 Israeli War;

6 (B) the descendants of the people de-
7 scribed in subparagraph (A);

8 (C) the extent to which the provision of
9 UNRWA services furthers the security interests
10 of the United States and allies of the United
11 States; and

12 (D) the methodology and challenges in pre-
13 paring such report;

14 (11) the report described in paragraph (10)
15 should be declassified; and

16 (12) all refugees of Syria should be assisted
17 solely by UNHCR as Syrian refugees.

18 **SEC. 5. UNRWA REFORM AND CERTIFICATION.**

19 (a) CERTIFICATION.—Not later than June 30, 2020,
20 the Secretary of State shall seek to certify to Congress
21 that UNRWA—

22 (1) is utilizing Operations Support Officers in
23 the West Bank, Gaza, and other fields of operation
24 to inspect UNRWA installations and reporting any
25 inappropriate use;

1 (2) is acting promptly to address—

2 (A) any staff or beneficiary violations of its
3 policies (including the policies on neutrality and
4 impartiality of employees); and

5 (B) the legal requirements under section
6 301(c) of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2221(c));

8 (3) is implementing procedures to maintain the
9 neutrality of its facilities, including implementing a
10 no-weapons policy and conducting regular inspec-
11 tions of its installations, to ensure they are only
12 used for humanitarian or other appropriate pur-
13 poses;

14 (4) is taking necessary and appropriate meas-
15 ures to ensure that UNRWA is—

16 (A) operating in compliance with section
17 301(c) of the Foreign Assistance Act of 1961;
18 and

19 (B) continuing regular reporting to the
20 Department of State on actions it has taken to
21 ensure conformance with such conditions;

22 (5) is taking steps to ensure that the content of
23 all educational materials taught in UNRWA-admin-
24 istered schools and summer camps—

1 (A) is consistent with the value of dignity
2 for all persons; and

3 (B) does not induce or encourage incite-
4 ment, violence, or prejudice;

5 (6) is not engaging in operations with financial
6 institutions or related entities in violation of relevant
7 United States law;

8 (7) is taking steps to improve the financial
9 transparency of UNRWA;

10 (8) is in compliance with the United Nations
11 Board of Auditors' biennial audit requirements and
12 is implementing in a timely fashion the Board's rec-
13 ommendations;

14 (9) is working to integrate UNRWA refugees
15 into their local communities and labor force; and

16 (10) has adopted a definition of refugee that—

17 (A) is consistent with the laws referred to
18 in section 3(3);

19 (B) only includes individuals who were per-
20 sonally displaced by the 1948 Arab-Israeli con-
21 flict; and

22 (C) excludes individuals who—

23 (i) have subsequently gained nation-
24 ality in another country; or

1 (ii) live in Gaza or the West Bank
2 (the putative homeland of a future Pales-
3 tinian state).

4 (b) FUNDING LIMITATION.—If the Secretary of State
5 does not make the certification described in subsection (a)
6 by June 30, 2020, no agency or instrumentality of the
7 United States Government may provide any funding, di-
8 rectly or indirectly, to the United Nations Relief and
9 Works Agency for Palestine Refugees in the Near East.

10 (c) WAIVER AUTHORITY.—The President may waive
11 the requirements of this section for 1 year, beginning not
12 less than 30 days after the President determines and re-
13 ports to the appropriate congressional committees that
14 such waiver is vital to the national interests of the United
15 States.

16 **SEC. 6. FUNDING.**

17 (a) AUTHORIZATION OF REPROGRAMMING.—If the
18 certification referred to in section 5(b) is not made before
19 June 30, 2020, and a waiver pursuant to section 5(c) is
20 not in effect—

21 (1) the Secretary of State, in consultation with
22 the Administrator of the United States Agency for
23 International Development, is authorized to repro-
24 gram during fiscal year 2020, for the purposes set

1 forth in subsection (b), amounts that were intended,
2 appropriated, or obligated for UNRWA; and

3 (2) there are authorized to be appropriated, for
4 fiscal year 2021, \$360,000,000 for the purposes set
5 forth in subsection (b).

6 (b) USE OF REPROGRAMMED FUNDS.—Amounts re-
7 programmed or appropriated pursuant to subsection (a)
8 may be used for assistance to Palestinians living in the
9 West Bank, the Gaza Strip, Jordan, Syria, or Lebanon
10 through—

11 (1) the Palestinian Authority, for the provision
12 of health, education, and other necessary services;

13 (2) vetted nongovernmental organizations pro-
14 viding humanitarian assistance in the Gaza Strip;

15 (3) the governments of countries in which
16 UNRWA operates and maintains official UNRWA
17 facilities, for the provision of health, education, and
18 other necessary services;

19 (4) the Office of the United Nations High Com-
20 missioner for Refugees, for services to persons of
21 Palestinian descent who have been denied citizenship
22 in Syria or Lebanon to find individual solutions of
23 local integration or resettlement in third countries in
24 a way that—

25 (A) ends their refugee status; and

1 (B) is consistent with current UNHCR
2 policy with respect to all refugees;

3 (5) the United States Agency for International
4 Development or other local entities, as determined
5 by the Secretary, such as hospitals, clinics, and
6 schools, for the provision of health and education
7 services in the West Bank if the Palestinian Author-
8 ity cannot or will not use United States funding for
9 the purposes described in paragraph (1); and

10 (6) other entities, as determined by the Sec-
11 retary, for humanitarian, education, health care, and
12 economic development-related assistance for the Pal-
13 estinians.

14 (c) PALESTINIAN ASSISTANCE TRUST FUND.—

15 (1) TRUST FUND.—There is established in the
16 Treasury of the United States a trust fund, which
17 shall be known as the “Palestinian Assistance Trust
18 Fund”, which shall consist of amounts repro-
19 grammed pursuant to subsection (a).

20 (2) DISTRIBUTION OF FUNDS.—

21 (A) IN GENERAL.—The Secretary of State,
22 in consultation with the Administrator of the
23 United States Agency for International Devel-
24 opment, shall distribute amounts from the Pal-
25 estinian Assistance Trust Fund to the entities

1 listed in paragraphs (1) through (6) of sub-
2 section (a) based on such criteria and bench-
3 marks as the Secretary shall establish, in ac-
4 cordance with subparagraph (B).

5 (B) CRITERIA AND BENCHMARKS.—The
6 criteria and benchmarks established by the Sec-
7 retary under subparagraph (A) shall seek to
8 prioritize the distribution of funds to entities
9 listed in paragraphs (1) through (6) of sub-
10 section (a) based upon the transfer of responsi-
11 bility for—

12 (i) education, health, and other serv-
13 ices currently provided by UNRWA in the
14 West Bank to the Palestinian Authority;

15 (ii) such services in the Gaza Strip to
16 the Palestinian Authority or vetted non-
17 governmental or United Nations organiza-
18 tions working in the region;

19 (iii) such services in other countries
20 (in which UNRWA operates and maintains
21 official UNRWA facilities) to the govern-
22 ments of such countries; and

23 (iv) such services to UNHCR for as-
24 sistance to Palestinians denied citizenship
25 in Syria and Lebanon, contingent upon the

1 implementation of a plan for permanent
2 resettlement in such countries or other
3 third countries.

4 (C) EFFECT.—The application of the cri-
5 teria under subparagraph (B) should—

6 (i) reduce the number of Palestinians
7 who are classified as refugees by the
8 United Nations and other international
9 refugee organizations;

10 (ii) increase the employment rate and
11 job opportunities available for former
12 UNRWA beneficiaries; and

13 (iii) enhance the Palestinian Authori-
14 ty's ability—

15 (I) to govern effectively; and

16 (II) to provide necessary services
17 to all Palestinians under its authority
18 in the West Bank.

19 **SEC. 7. REPORTING REQUIREMENTS.**

20 (a) REPORT ON CLASSIFICATION.—

21 (1) REVIEW.—Not later than 30 days after the
22 date of the enactment of this Act, the President
23 shall review the classification of a report related to
24 UNRWA provided to Congress by the Department of

1 State pursuant to Senate Report 112–172 under the
2 heading “Protracted Refugee Situations”.

3 (2) EFFECT OF REVIEW.—

4 (A) DECLASSIFICATION.—If the President
5 determines that the report referred to in para-
6 graph (1) should not be classified, the President
7 shall immediately order its declassification.

8 (B) JUSTIFICATION.—If the President de-
9 termines that the report referred to in para-
10 graph (1) is appropriately classified, the Presi-
11 dent shall provide an unclassified report to Con-
12 gress that includes a justification of why the re-
13 lease of basic census information related to
14 UNRWA would pose a threat to the national
15 security of the United States.

16 (b) ANNUAL REPORT.—Not later than 1 year after
17 the date of the enactment of this Act, and every year
18 thereafter, the Secretary of State shall submit a report
19 to Congress that identifies—

20 (1) the number of people—

21 (A) who, in the preceding year, received
22 UNRWA services;

23 (B) whose place of residence between June
24 1946 and May 1948 was Palestine; and

1 (C) who were displaced as a result of the
2 1948 Arab-Israeli conflict;

3 (2) the number of people—

4 (A) who, in the preceding year, received
5 UNRWA services; and

6 (B) who are descendants of persons de-
7 scribed in paragraph (A); and

8 (3) the number of people—

9 (A) who, in the preceding year, received
10 UNRWA services; and

11 (B) who are citizens of another country.

12 (c) REGIONAL BREAKOUT DATA.—In preparing the
13 report required under subsection (b), the Secretary of
14 State shall include regional breakout data to identify how
15 many individuals described in paragraphs (1) through (3)
16 of subsection (b) live in the West Bank, Gaza, Jordan,
17 Lebanon, and Syria, respectively.

○