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.

A BILL

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1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
2 SECTION 1. SHORT TITLE.
3 This Act may be cited as the “UNRWA Accountability and Transparency Act”.
SEC. 2. STATEMENT OF POLICY.

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

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

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

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

(b) LIMITATIONS ON REFUGEE AND DERIVATIVE REFUGEE STATUS.—In applying the definition under subsection (a) with respect to refugees receiving assistance from UNRWA, it shall be the policy of the United States, consistent with the definition of refugee in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) and the requirements for eligibility for refugee status under section 207 of such Act (8 U.S.C. 1157), that—
(1) derivative refugee status may only be extended to the spouse or a minor child of a Palestinian refugee; and

(2) an alien who is firmly resettled in any country is not eligible to retain refugee status.

SEC. 3. UNITED STATES' CONTRIBUTIONS TO UNRWA.

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

“(c) WITHHOLDING.—

“(1) DEFINITIONS.—In this subsection:

“(A) ANTI-SEMITIC.—The term ‘anti-Semitic’—

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

“(ii) includes the contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere identified on such date by the International Holocaust Remembrance Alliance.
“(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Foreign Relations of the Senate;

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

“(iii) the Committee on Foreign Affairs of the House of Representatives; and

“(iv) the Committee on Appropriations of the House of Representatives.

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

“(D) FOREIGN TERRORIST ORGANIZATION.—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).
“(E) UNRWA.—The term ‘UNRWA’ means the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

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

“(A) no official, employee, consultant, contractor, subcontractor, representative, affiliate of UNRWA, an UNRWA partner organization, or an UNRWA contracting entity pursuant to completion of a thorough vetting and background check process—

“(i) is a member of, is affiliated with, or has any ties to a foreign terrorist organization, including Hamas and Hezbollah;

“(ii) has advocated, planned, sponsored, or engaged in any terrorist activity;
“(iii) has propagated or disseminated anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including—

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

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

“(III) showing maps without Israel;

“(IV) describing Israelis as ‘occupiers’ or ‘settlers’;

“(V) advocating, endorsing, or expressing support for violence, hatred, jihad, martyrdom, or terrorism, glorifying, honoring, or otherwise memorializing any person or group that has advocated, sponsored, or committed acts of terrorism, or providing material support to terrorists or their families;

“(VI) expressing support for boycott of, divestment from, and sanctions against Israel (commonly referred to as ‘BDS’);
“(VII) claiming or advocating for a ‘right of return’ of refugees into Israel;

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

“(IX) calling for violence against Americans; or

“(iv) has used any UNRWA resources, including publications, websites, or social media platforms, to propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of clause (iii);

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

“(i) for terrorist activities, such as operations, planning, training, recruitment, fundraising, indoctrination, communica-
tions, sanctuary, storage of weapons or
other materials; or

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

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

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

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

“(D) no UNRWA controlled or funded fa-
cility, such as a school, an educational institu-
tion, or a summer camp, uses textbooks or
other educational materials that propagate or
disseminate anti-American, anti-Israel, or anti-
Semitic rhetoric, incitement, or propaganda, in-
cluding with respect to any of the matters de-
scribed in subclauses (I) through (IX) of sub-
paragraph (A)(iii);
“(E) no recipient of UNRWA funds or loans is—

“(i) a member of, is affiliated with, or has any ties to a foreign terrorist organization; or

“(ii) otherwise engaged in terrorist activities; and

“(F) UNRWA holds no accounts or other affiliations with financial institutions that the United States considers or believes to be complicit in money laundering and terror financing.

“(3) PERIOD OF EFFECTIVENESS.—

“(A) IN GENERAL.—A certification described in paragraph (2) shall be effective until the earlier of—

“(i) the date on which the Secretary receives information rendering the certification described in paragraph (2) factually inaccurate; or

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

“(B) NOTIFICATION OF RENUNCIATION.—

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

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

“(A) is greater than the highest contribution to UNRWA made by a member country of the League of Arab States for such year; and

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

SEC. 4. REPORT.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

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

(b) In General.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the actions being taken to implement a comprehensive plan for—

(1) encouraging other countries to adopt the policy regarding Palestinian refugees that is described in section 2;

(2) urging other countries to withhold their contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) until UNRWA has met the conditions listed in subparagraphs (A) through (F) of section 301(c)(2) of the Foreign Assistance Act of 1961, as added by section 3;

(3) working with other countries to phase out UNRWA and assist Palestinians receiving UNRWA services by—
(A) integrating such Palestinians into their local communities in the countries in which they are residing; or

(B) resettling such Palestinians in countries other than Israel or territories controlled by Israel in the West Bank in accordance with international humanitarian principles; and

(4) ensuring that the actions described in paragraph (3)—

(A) are being implemented in complete coordination with, and with the support of, Israel; and

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

SEC. 5. EFFECTIVE DATE.

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

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January 18, 2022
Read the second time and placed on the calendar