


S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: Sense of Congress on relationship between Israel
and the Palestinians.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2943

To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BARRASSO (for himself, Mr. BLUNT, Mr. BOOZMAN, Mrs. CAPITO, Mr. COTTON, Mr. CRUZ, Mr. DAINES, Mr. ENZI, Mr. INHOFE, Mr. ISAKSON, Mr. LANKFORD, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. TILLIS, Mr. VITTER, and Mr. WICKER)

Viz:

1 At the end of subtitle H of title XII, add the fol-
2 lowing:

3 **SEC. 1277. SENSE OF CONGRESS ON RELATIONSHIP BE-**
4 **TWEEN ISRAEL AND THE PALESTINIANS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

1 (1) The United States Government has a long-
2 standing position that a peaceful resolution of the
3 conflict between Israel and the Palestinians can only
4 be achieved through direct negotiations between the
5 two parties.

6 (2) The Palestinians have been pursuing a
7 strategy to seek recognition of a Palestinian state
8 through the United Nations, the United Nations
9 specialized agencies, and the United Nations affili-
10 ated organizations.

11 (3) On March 17, 2016, the “State of Pal-
12 estine” became a party to the United Nations
13 Framework Convention on Climate Change
14 (UNFCCC) as its 197th member.

15 (4) Section 414 of the Foreign Relations Au-
16 thorization Act, Fiscal Years 1990 and 1991 (Public
17 Law 101-246; 22 U.S.C. 287e note) states the fol-
18 lowing: “No funds authorized to be appropriated by
19 this Act or any other Act shall be available for the
20 United Nations or any specialized agency thereof
21 which accords the Palestine Liberation Organization
22 the same standing as member states.”

23 (5) Section 410 of the Foreign Relations Au-
24 thorization Act, Fiscal Years 1994 and 1995 (Public
25 Law 103-236; 22 U.S.C. 287e note) states the fol-

1 lowing: "The United States shall not make any vol-
2 untary or assessed contribution: (1) to any affiliated
3 organization of the United Nations which grants full
4 membership as a state to any organization or group
5 that does not have the internationally recognized at-
6 tributes of statehood, or (2) to the United Nations,
7 if the United Nations grants full membership as a
8 state in the United Nations to any organization or
9 group that does not have the internationally recog-
10 nized attributes of statehood, during any period in
11 which such membership is effective."

12 (6) The provisions described in paragraphs (4)
13 and (5) may not be waived.

14 (7) The administration of President Barack
15 Obama has asserted that those provisions do not
16 apply to the UNFCCC because, according to De-
17 partment of State spokesman John Kirby, "The
18 UNFCCC is a treaty, and the Palestinians' pur-
19 ported accession does not involve their becoming
20 members of any U.N. specialized agency or, indeed,
21 any international organization."

22 (8) Treaties can create international organiza-
23 tions, as demonstrated by the case of the Charter of
24 the United Nations, which is a treaty that created
25 the United Nations organization.

1 (9) Current United States law often treats enti-
2 ties created by international treaties as international
3 organizations, such as the International Organiza-
4 tions Immunity Act (Public Law 79-291), under
5 which the Executive branch has designated the
6 International Boundary and Water Commission of
7 the United States and Mexico, which was created by
8 United States and Mexico international boundary
9 treaties to assist in their implementation.

10 (10) The UNFCCC established an international
11 organization based in Bonn, Germany that employs
12 approximately 500 people from over 100 countries
13 and has an annual budget in excess of \$60,000,000.

14 (11) The operating entities of the UNFCCC
15 constitute an "affiliated organization of the United
16 Nations" in that the UNFCCC Secretariat is con-
17 nected and linked to the United Nations in many
18 ways, including the following:

19 (A) The United Nations Secretary-General
20 appoints the executive secretary of the
21 UNFCCC secretariat.

22 (B) At the first Conference of the Parties,
23 the UNFCCC decided that its secretariat "shall
24 be institutionally linked to the United Nations".

1 According to the UNFCCC website, it remains
2 “institutionally linked” today.

3 (C) The United Nations serves as Deposi-
4 tory for the UNFCCC, the Kyoto Protocol, and
5 the Paris Agreement.

6 (D) The proposed budget of the United
7 Nations for the biennium 2016–2017 supports
8 the UNFCCC.

9 (E) The United Nations Campus in Bonn,
10 Germany houses the UNFCCC secretariat,
11 which the United Nations lists as one of 18 or-
12 ganizations that represent it and that are part
13 of the “United Nations presence” in Bonn.

14 (F) The UNFCCC secretariat is subject to
15 United Nations rules and regulations regarding
16 procurement and other matters.

17 (G) The UNFCCC secretariat supports
18 what it describes as the “largest annual United
19 Nations conference,” which is the Conference of
20 Parties.

21 (b) SENSE OF CONGRESS.—Congress—

22 (1) reaffirms its longstanding position that the
23 only true and lasting path to resolving the Israeli-
24 Palestinian conflict is through direct negotiations be-
25 tween Israel and the Palestinians;

1 (2) reiterates its strong opposition to any at-
2 tempt to establish or seek recognition of a Pales-
3 tinian state outside of an agreement negotiated be-
4 tween leaders in Israel and the Palestinians;

5 (3) strongly opposes the unilateral actions of
6 the Palestinians to seek statehood recognition
7 through the United Nations, United Nations special-
8 ized agencies, United Nations affiliated organiza-
9 tions, and United Nations treaties, conventions, and
10 agreements;

11 (4) calls on the President to hold the Palestin-
12 ians accountable for their actions to undermine and
13 circumvent the peace process;

14 (5) strongly supports the prohibition on United
15 States funding going to any United Nations affili-
16 ated organization that grants full membership as a
17 state to any organization or group that does not
18 have the internationally recognized attributes of
19 statehood; and

20 (6) reaffirms that, under United States law, the
21 United States is prohibited from making any dis-
22 bursements of United States funds to the UNFCCC
23 secretariat, the Green Climate Fund, the Conference
24 of the Parties, and the Conference of the Parties
25 serving as the meeting of the Parties to the Kyoto

- 1 Protocol after the "State of Palestine" was allowed
- 2 to become a full member of the UNFCCC.