

Union Calendar No. 221

112TH CONGRESS
1ST SESSION

H. R. 2829

[Report No. 112-323]

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 30, 2011

Ms. ROS-LEHTINEN (for herself, Mrs. McMORRIS RODGERS, Mr. PENCE, Mr. McCOTTER, Mr. KING of New York, Mr. DANIEL E. LUNGREN of California, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. MANZULLO, Mr. CHABOT, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROUN of Georgia, Ms. BUERKLE, Mr. BURGESS, Mr. CALVERT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. DOLD, Mrs. ELLMERS, Mr. FLEMING, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT, Mr. GRIFFIN of Arkansas, Mr. GRIMM, Mr. HUELSKAMP, Mr. HULTGREN, Mr. HURT, Mr. JOHNSON of Ohio, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. LAMBORN, Mr. LANCE, Mr. LATTA, Mr. LONG, Mr. MARINO, Mr. McCAUL, Mr. MCHENRY, Mr. MCKINLEY, Mrs. MILLER of Michigan, Mr. NUNNELEE, Mr. OLSON, Mr. PALAZZO, Mr. POMPEO, Mr. POSEY, Mr. RENACCI, Mr. RIVERA, Mr. ROGERS of Alabama, Mr. ROSS of Florida, Mrs. SCHMIDT, Mr. AUSTIN SCOTT of Georgia, Mr. SIMPSON, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. WALSH of Illinois, Mr. WEST, and Mr. WEST-MORELAND) introduced the following bill; which was referred to the Committee on Foreign Affairs

DECEMBER 8, 2011

Additional sponsors: Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. POE of Texas, Mr. ROE of Tennessee, Mr. SCALISE, Mr. SOUTHERLAND, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. WOODALL, Mr. CAMP, Mr. CULBERSON, Mr. FLAKE, Mr. GOODLATTE, Mr. KINGSTON, Mr. ROSKAM, Mr. SCHWEIKERT, Mr. SMITH of Texas, Mrs. ADAMS, Mr. CANSECO, Mr. DIAZ-BALART, Ms. FOXF, Mr. GOSAR, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. KELLY, Mr. LANDRY, Mr. MEEHAN, Mr. SMITH of Nebraska, Mr. SHIMKUS, Mr. COBLE, Mr. CONAWAY, Mr. CRAWFORD, Mr. DUNCAN of South Carolina, Ms. JENKINS, Mr. MARCH-

ANT, Mr. NUGENT, Mr. TURNER of New York, Mr. WOMACK, Mr. BILL-
 RAKIS, Mr. FINCHER, Mr. LUETKEMEYER, Mr. GERLACH, Mr. ROONEY,
 Mr. KING of Iowa, Mr. KINZINGER of Illinois, Mr. RIBBLE, Mr. GARD-
 NER, Mr. DENT, Mr. FARENTHOLD, Mr. FITZPATRICK, Mr. HALL, Mr.
 GARY G. MILLER of California, Mr. MILLER of Florida, Mr. RYAN of
 Wisconsin, Mr. TIPTON, Ms. HAYWORTH, Mr. LABRADOR, Mrs. LUMMIS,
 Mr. MURPHY of Pennsylvania, Mr. PRICE of Georgia, Mr. RUNYAN, Mr.
 THORNBERRY, Mrs. BACHMANN, Mr. LATHAM, Mr. MACK, Mr. ROHR-
 ABACHER, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. CRAVAACK, Mr.
 ROYCE, Mr. YOUNG of Alaska, Mr. TIBERI, Mr. GOHMERT, Mrs. BLACK,
 Mr. AUSTRIA, Mr. FLORES, Mr. HUNTER, Mr. MCCLINTOCK, Mr.
 RIGELL, Mr. WALDEN, Mr. HUIZENGA of Michigan, Mr. LANKFORD, Mr.
 WOLF, and Mr. BARTON of Texas

DECEMBER 8, 2011

Reported with an amendment, committed to the Committee of the Whole
 House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on August 30, 2011]

A BILL

To promote transparency, accountability, and reform within
 the United Nations system, 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 *“United Nations Transparency, Accountability, and Re-*
 6 *form Act of 2011”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents is as*
 8 *follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—FUNDING OF THE UNITED NATIONS

Sec. 101. Findings.

Sec. 102. Apportionment of the United Nations regular budget on a voluntary basis.

Sec. 103. Budget justification for United States contributions to the regular budget of the United Nations.

Sec. 104. Report on United Nations reform.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY FOR UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Oversight of United States contributions to the United Nations System.

Sec. 204. Transparency for United States contributions.

Sec. 205. Integrity for United States contributions.

Sec. 206. Refund of monies owed by the United Nations to the United States.

Sec. 207. Annual reports on United States contributions to the United Nations.

TITLE III—UNITED STATES POLICY AT THE UNITED NATIONS

Sec. 301. Annual publication.

Sec. 302. Annual financial disclosure.

Sec. 303. Policy with respect to expansion of the security council.

Sec. 304. Access to reports and audits.

Sec. 305. Waiver of immunity.

Sec. 306. Terrorism and the United Nations.

Sec. 307. Report on United Nations personnel.

Sec. 308. United Nations treaty bodies.

Sec. 309. Equality at the United Nations.

Sec. 310. Anti-Semitism and the United Nations.

Sec. 311. Regional group inclusion of Israel.

Sec. 312. United States policy on Taiwan’s participation in United Nations entities.

Sec. 313. United States policy on Tier 3 human rights violators.

TITLE IV—STATUS OF PALESTINIAN ENTITIES AT THE UNITED NATIONS

- Sec. 401. Findings.*
Sec. 402. Statement of policy.
Sec. 403. Implementation.

TITLE V—UNITED NATIONS HUMAN RIGHTS COUNCIL

- Sec. 501. Findings.*
Sec. 502. Human rights council membership and funding.

TITLE VI—GOLDSTONE REPORT

- Sec. 601. Findings.*
Sec. 602. Statement of policy.
Sec. 603. Withholding of funds; refund of United States taxpayer dollars.

TITLE VII—DURBAN PROCESS

- Sec. 701. Findings.*
Sec. 702. Sense of congress; statement of policy.
Sec. 703. Non-participation in the Durban process.
Sec. 704. Withholding of funds; refund of United States taxpayer dollars.

TITLE VIII—UNRWA

- Sec. 801. Findings.*
Sec. 802. United States contributions to UNRWA.
Sec. 803. Sense of Congress.

TITLE IX—INTERNATIONAL ATOMIC ENERGY AGENCY

- Sec. 901. Technical cooperation program.*
Sec. 902. United States policy at the IAEA.
Sec. 903. Sense of Congress regarding the nuclear security action plan of the IAEA.

TITLE X—PEACEKEEPING

- Sec. 1001. Reform of United Nations peacekeeping operations.*
Sec. 1002. Policy relating to reform of United Nations peacekeeping operations.
Sec. 1003. Certification.

1 SEC. 2. DEFINITIONS.

2 *In this Act:*

- 3 (1) *EMPLOYEE.*—*The term “employee” means an*
 4 *individual who is employed in the general services,*
 5 *professional staff, or senior management of the United*
 6 *Nations, including consultants, contractors, and sub-*
 7 *contractors.*

1 (2) *GENERAL ASSEMBLY.*—*The term “General*
2 *Assembly” means the General Assembly of the United*
3 *Nations.*

4 (3) *MEMBER STATE.*—*The term “Member State”*
5 *means a Member State of the United Nations. Such*
6 *term is synonymous with the term “country”.*

7 (4) *SECRETARY.*—*The term “Secretary” means*
8 *the Secretary of State.*

9 (5) *SECRETARY GENERAL.*—*The term “Secretary*
10 *General” means the Secretary General of the United*
11 *Nations.*

12 (6) *SECURITY COUNCIL.*—*The term “Security*
13 *Council” means the Security Council of the United*
14 *Nations.*

15 (7) *UN.*—*The term “UN” means the United Na-*
16 *tions.*

17 (8) *UNITED NATIONS ENTITY.*—*The term*
18 *“United Nations Entity” means any United Nations*
19 *agency, commission, conference, council, court, de-*
20 *partment, forum, fund, institute, office, organization,*
21 *partnership, program, subsidiary body, tribunal,*
22 *trust, university or academic body, related organiza-*
23 *tion or subsidiary body, wherever located, that flies*
24 *the United Nations flag or is authorized to use the*
25 *United Nations logo, including those United Nations*

1 *affiliated agencies and bodies identified as recipients*
2 *of United States contributions under section*
3 *1225(b)(3)(E) of the John Warner National Defense*
4 *Authorization Act for Fiscal Year 2007 (Public Law*
5 *109–364), but not including the International Bank*
6 *for Reconstruction and Development, the Inter-*
7 *national Centre for Settlement of Investment Dis-*
8 *putes, the International Development Association, the*
9 *International Finance Corporation, the Multilateral*
10 *Investment Guarantee Agency, and the World Trade*
11 *Organization.*

12 (9) *UNITED NATIONS SYSTEM.—The term*
13 *“United Nations System” means the aggregation of*
14 *all United Nations Entities, as defined in paragraph*
15 *(8).*

16 (10) *UNITED STATES CONTRIBUTION.—The term*
17 *“United States Contribution” means an assessed or*
18 *voluntary contribution, whether financial, in-kind, or*
19 *otherwise, from the United States Federal Govern-*
20 *ment to a United Nations Entity, including contribu-*
21 *tions passed through other entities for ultimate use by*
22 *a United Nations Entity. United States Contribu-*
23 *tions include those contributions identified pursuant*
24 *to section 1225(b)(3)(E) of the John Warner National*

1 *Defense Authorization Act for Fiscal Year 2007 (Pub-*
2 *lic Law 109–364).*

3 (11) *APPROPRIATE CONGRESSIONAL COMMIT-*
4 *TEES.—The term “appropriate congressional commit-*
5 *tees” means—*

6 (A) *the Committees on Foreign Affairs, Ap-*
7 *propriations, and Oversight and Government Re-*
8 *form of the House of Representatives; and*

9 (B) *the Committees on Foreign Relations,*
10 *Appropriations, and Homeland Security and*
11 *Governmental Affairs of the Senate.*

12 ***TITLE I—FUNDING OF THE***
13 ***UNITED NATIONS***

14 ***SEC. 101. FINDINGS.***

15 *Congress makes the following findings:*

16 (1) *The United States pays billions of dollars*
17 *into the United Nations system every year (almost*
18 *\$7.7 billion in 2010, according to the White House*
19 *Office of Management and Budget), significantly*
20 *more than any other nation.*

21 (2) *Under current rules and contribution levels,*
22 *it is possible to assemble the two-thirds majority need-*
23 *ed for important United Nations budget votes with a*
24 *group of countries that, taken together, pay less than*
25 *1 percent of the total United Nations regular budget.*

1 (3) *The disconnect between contribution levels*
2 *and management control creates significant perverse*
3 *incentives in terms of United Nations spending,*
4 *transparency, and accountability.*

5 (4) *The United Nations system suffers from un-*
6 *acceptably high levels of waste, fraud, and abuse,*
7 *which seriously impair its ability to fulfill the lofty*
8 *ideals of its founding.*

9 (5) *Amidst the continuing financial, corruption,*
10 *and sexual abuse scandals of the past several years,*
11 *American public disapproval of United Nations has*
12 *reached all-time highs. A 2011 Gallup poll revealed*
13 *that 62 percent of Americans believe that the United*
14 *Nations is doing a poor job, a negative assessment*
15 *shared by a majority of respondents from both polit-*
16 *ical parties. Research polling by another firm in late*
17 *2006 found that 71 percent of Americans think that*
18 *the United Nations is “no longer effective” and needs*
19 *to be significantly reformed, while 75 percent think*
20 *that the United Nations “needs to be held more ac-*
21 *countable”.*

22 (6) *Significant improvements in United Nations*
23 *transparency and accountability are necessary for*
24 *improving public perceptions of and American sup-*
25 *port for United Nations operations.*

1 (7) *Because of their need to justify future con-*
2 *tributions from donors, voluntarily funded organiza-*
3 *tions have more incentive to be responsive and effi-*
4 *cient in their operations than organizations funded*
5 *by compulsory contributions that are not tied to per-*
6 *formance.*

7 (8) *Catherine Bertini, the former UN Under-Sec-*
8 *retary General for Management and director of the*
9 *World Food Program (WFP), has stated that “Vol-*
10 *untary funding creates an entirely different atmos-*
11 *phere at WFP than at the UN. At WFP, every staff*
12 *member knows that we have to be as efficient, ac-*
13 *countable, transparent, and results-oriented as pos-*
14 *sible. If we are not, donor governments can take their*
15 *funding elsewhere in a very competitive world among*
16 *UN agencies, NGOs, and bilateral governments.”.*

17 (9) *Article XVII of the Charter of the United Na-*
18 *tions, which states that “[t]he expenses of the Organi-*
19 *zation shall be borne by the Members as apportioned*
20 *by the General Assembly”, leaves to the discretion of*
21 *the General Assembly the basis of apportionment,*
22 *which could be done on the basis of voluntary pledges*
23 *by Member States.*

24 (10) *Unlike United States assessed contributions*
25 *to the United Nations regular budget, which are*

1 *statutorily capped at 22 percent of the total, there is*
2 *no cap on voluntary contributions.*

3 *(11) The United States, which contributes gener-*
4 *ously to international organizations whose activities*
5 *it recognizes as credible, worthwhile, and efficient,*
6 *contributes more than 22 percent of the budget of cer-*
7 *tain voluntarily funded United Nations Specialized*
8 *Agencies.*

9 **SEC. 102. APPORTIONMENT OF THE UNITED NATIONS REG-**
10 **ULAR BUDGET ON A VOLUNTARY BASIS.**

11 *(a) UNITED STATES POLICY.—*

12 *(1) IN GENERAL.—It is the policy of the United*
13 *States to seek to shift the funding mechanism for the*
14 *regular budget of the United Nations from an assessed*
15 *to a voluntary basis.*

16 *(2) ACTION AT UNITED NATIONS.—The President*
17 *shall direct the United States Permanent Representa-*
18 *tive to the United Nations to use the voice, vote, and*
19 *influence of the United States at the United Nations*
20 *to shift the funding mechanism for the regular budget*
21 *of the United Nations to a voluntary basis, and to*
22 *make it a priority to build support for such a trans-*
23 *formational change among Member States, particu-*
24 *larly key United Nations donors.*

1 **(b) CERTIFICATION OF PREDOMINANTLY VOLUNTARY**
2 *UN REGULAR BUDGET FINDING.*—*A certification described*
3 *in this section is a certification by the Secretary of State*
4 *to the Appropriate Congressional Committees that at least*
5 *80 percent of the total regular budget (not including extra-*
6 *budgetary contributions) of the United Nations is appor-*
7 *tioned on a voluntary basis. Each such certification shall*
8 *be shall be effective for a period of not more than 1 year,*
9 *and shall be promptly revoked by the Secretary, with notice*
10 *to the appropriate congressional committees, if the under-*
11 *lying circumstances change so as not to warrant such cer-*
12 *tification.*

13 **(c) WITHHOLDING OF NONVOLUNTARY CONTRIBU-**
14 *TIONS.*—

15 **(1) IN GENERAL.**—*Beginning 2 years after the*
16 *effective date of this Act and notwithstanding any*
17 *other provision of law, no funds may be obligated or*
18 *expended for a United States assessed contribution to*
19 *the regular budget of the United Nations in an*
20 *amount greater than 50 percent of the United States*
21 *share of assessed contributions for the regular budget*
22 *of the United Nations unless there is in effect a cer-*
23 *tification by the Secretary, as described in subsection*
24 *(b).*

1 (2) *ALLOWANCE.*—*For a period of 1 year after*
2 *appropriation, funds appropriated for use as a*
3 *United States contribution to the regular budget of*
4 *the United Nations but withheld from obligation and*
5 *expenditure pursuant to paragraph (1) may be obli-*
6 *gated and expended for that purpose upon the certifi-*
7 *cation described in subsection (b). After 1 year, in the*
8 *absence of such certification, those funds shall revert*
9 *to the United States Treasury.*

10 **SEC. 103. BUDGET JUSTIFICATION FOR UNITED STATES**
11 **CONTRIBUTIONS TO THE REGULAR BUDGET**
12 **OF THE UNITED NATIONS.**

13 (a) *DETAILED ITEMIZATION.*—*The annual congres-*
14 *sional budget justification shall include a detailed itemized*
15 *request in support of the contribution of the United States*
16 *to the regular budget of the United Nations.*

17 (b) *CONTENTS OF DETAILED ITEMIZATION.*—*The de-*
18 *tailed itemization required under subsection (a) shall—*

19 (1) *contain information relating to the amounts*
20 *requested in support of each of the various sections*
21 *and titles of the regular budget of the United Nations;*
22 *and*

23 (2) *compare the amounts requested for the cur-*
24 *rent year with the actual or estimated amounts con-*

1 *tributed by the United States in previous fiscal years*
2 *for the same sections and titles.*

3 (c) *ADJUSTMENTS AND NOTIFICATION.*—*If the United*
4 *Nations proposes an adjustment to its regular assessed*
5 *budget, the Secretary of State shall, at the time such adjust-*
6 *ment is presented to the Advisory Committee on Adminis-*
7 *trative and Budgetary Questions (ACABQ), notify and con-*
8 *sult with the appropriate congressional committees.*

9 **SEC. 104. REPORT ON UNITED NATIONS REFORM.**

10 (a) *IN GENERAL.*—*Not later than 180 days after the*
11 *date of the enactment of this Act and annually thereafter,*
12 *the Secretary shall submit to the appropriate congressional*
13 *committees a report on United Nations reform.*

14 (b) *CONTENTS.*—*The report required under subsection*
15 (a) *shall describe—*

16 (1) *progress toward the goal of shifting the fund-*
17 *ing for the United Nations Regular Budget to a vol-*
18 *untary basis as identified in section 102, and a de-*
19 *tailed description of efforts and activities by United*
20 *States diplomats and officials toward that end;*

21 (2) *progress toward each of the policy goals iden-*
22 *tified in the prior sections of this title, and a detailed,*
23 *goal-specific description of efforts and activities by*
24 *United States diplomats and officials toward those*
25 *ends;*

1 (3) *the status of the implementation of manage-*
2 *ment reforms within the United Nations and its spe-*
3 *cialized agencies;*

4 (4) *the number of outputs, reports, or other man-*
5 *dates generated by General Assembly resolutions that*
6 *have been eliminated;*

7 (5) *the progress of the General Assembly to mod-*
8 *ernize and streamline the committee structure and its*
9 *specific recommendations on oversight and committee*
10 *outputs, consistent with the March 2005 report of the*
11 *Secretary General entitled “In larger freedom: to-*
12 *wards development, security and human rights for*
13 *all”;*

14 (6) *the status of the review by the General As-*
15 *sembly of all mandates older than 5 years and how*
16 *resources have been redirected to new challenges, con-*
17 *sistent with such March 2005 report of the Secretary*
18 *General;*

19 (7) *the continued utility and relevance of the*
20 *Economic and Financial Committee and the Social,*
21 *Humanitarian, and Cultural Committee, in light of*
22 *the duplicative agendas of those committees and the*
23 *Economic and Social Council; and*

24 (8) *whether the United Nations or any of its spe-*
25 *cialized agencies has contracted with any party in-*

1 *cluded on the Lists of Parties Excluded from Federal*
2 *Procurement and Nonprocurement Programs.*

3 **TITLE II—TRANSPARENCY AND**
4 **ACCOUNTABILITY FOR**
5 **UNITED STATES CONTRIBU-**
6 **TIONS TO THE UNITED NA-**
7 **TIONS**

8 **SEC. 201. FINDINGS.**

9 *Congress makes the following findings:*

10 *(1) As underscored by continuing revelations of*
11 *waste, fraud, and abuse, oversight and accountability*
12 *mechanisms within the United Nations system re-*
13 *main significantly deficient, despite decades of reform*
14 *attempts, including those initiated by Secretaries*
15 *General of the United Nations.*

16 *(2) Notwithstanding the personal intentions of*
17 *any Secretary General of the United Nations to pro-*
18 *mote institutional transparency and accountability*
19 *within the United Nations System, the Secretary*
20 *General lacks the power to impose far reaching man-*
21 *agement reforms without the concurrence of the Gen-*
22 *eral Assembly.*

23 *(3) Groupings of Member States whose voting*
24 *power in the General Assembly significantly outpaces*
25 *their proportional contributions to the United Na-*

1 *tions system have repeatedly and successfully defeated,*
2 *delayed, and diluted various reform proposals that*
3 *would have enabled more detailed oversight and scru-*
4 *tiny of United Nations system operations and expend-*
5 *itures.*

6 *(4) To an unacceptable degree, major donor*
7 *states, including the United States, lack access to rea-*
8 *sonably detailed, reliable information that would*
9 *allow them to determine how their contributions have*
10 *been spent by various United Nations system entities,*
11 *further contributing to the lack of accountability*
12 *within the United Nations system.*

13 **SEC. 202. DEFINITIONS.**

14 *In this title:*

15 *(1) TRANSPARENCY CERTIFICATION.—The term*
16 *“Transparency Certification” means an annual, writ-*
17 *ten affirmation by the head or authorized designee of*
18 *a United Nations Entity, provided to the Department*
19 *of State, that the Entity will cooperate with the De-*
20 *partment of State and Congress, including by pro-*
21 *viding the Department of State and Congress with*
22 *full, complete, and unfettered access to Oversight In-*
23 *formation as defined in this title.*

24 *(2) OVERSIGHT INFORMATION.—The term “Over-*
25 *sight Information” includes—*

- 1 (A) internally and externally commissioned
2 audits, investigatory reports, program reviews,
3 performance reports, and evaluations;
- 4 (B) financial statements, records, and bill-
5 ing systems;
- 6 (C) program budgets and program budget
7 implications, including revised estimates and re-
8 ports produced by or provided to the Secretary
9 General and the Secretary General's agents on
10 budget related matters;
- 11 (D) operational plans, budgets, and budg-
12 etary analyses for peacekeeping operations;
- 13 (E) analyses and reports regarding the scale
14 of assessments;
- 15 (F) databases and other data systems con-
16 taining financial or programmatic information;
- 17 (G) documents or other records alleging or
18 involving improper use of resources, misconduct,
19 mismanagement, or other violations of rules and
20 regulations applicable to the United Nations En-
21 tity; and
- 22 (H) other documentation relevant to the
23 oversight work of Congress with respect to United
24 States contributions to the United Nations sys-
25 tem.

1 (3) *ACCOUNTABILITY CERTIFICATION.*—*The term*
2 *“Accountability Certification” means an annual,*
3 *written affirmation by the head or authorized des-*
4 *ignee of a United Nations Entity provided to the Sec-*
5 *retary of State that the Entity—*

6 (A) *provides the public with full, complete,*
7 *and unfettered access to all relevant documenta-*
8 *tion relating to operations and activities, includ-*
9 *ing budget and procurement activities;*

10 (B) *implements and upholds policies and*
11 *procedures to protect whistleblowers;*

12 (C) *implements and upholds policies and*
13 *procedures to require the filing of individual an-*
14 *ual financial disclosure forms by each of its*
15 *employees at the P–5 level and above and to re-*
16 *quire that such forms be made available to the*
17 *Office of Internal Oversight Services, to Member*
18 *States, and to the public;*

19 (D) *has established an effective ethics office;*

20 (E) *has established a fully independent, au-*
21 *tonomous, and effective internal oversight body;*

22 (F) *has adopted and implemented, and is*
23 *in full compliance with, International Public*
24 *Sector Accounting Standards; and*

1 (G) has established a cap on its administra-
2 tive overhead costs.

3 **SEC. 203. OVERSIGHT OF UNITED STATES CONTRIBUTIONS**
4 **TO THE UNITED NATIONS SYSTEM.**

5 (a) *PURPOSE.*—*The purpose of this section is to en-*
6 *hance oversight of United States contributions to the United*
7 *Nations System and the use of those contributions by*
8 *United Nations Entities, in an effort to eliminate and deter*
9 *waste, fraud, and abuse in the use of those contributions,*
10 *and thereby to contribute to the development of greater*
11 *transparency, accountability, and internal controls*
12 *throughout the United Nations System.*

13 (b) *IMPLEMENTATION.*—

14 (1) *IN GENERAL.*—*The Department of State shall*
15 *collect and maintain current records regarding*
16 *Transparency Certifications and Accountability Cer-*
17 *tifications by all United Nations Entities that receive*
18 *United States contributions and submit that informa-*
19 *tion for inclusion in the report required under section*
20 *207.*

21 (2) *NOTIFICATION.*—*The Department of State*
22 *shall keep the appropriate congressional committees*
23 *fully and promptly informed of how United Nations*
24 *Entities are spending United States contributions.*

25 (3) *REFERRALS.*—

1 (A) *IN GENERAL.*—*The Secretary of State*
2 *shall promptly report to the Attorney General*
3 *and to the appropriate congressional committees*
4 *when the Secretary of State has reasonable*
5 *grounds to believe a Federal criminal law has*
6 *been violated by a United Nations Entity or one*
7 *of its employees, contractors, or representatives.*

8 (B) *NOTIFICATION.*—*The Secretary of State*
9 *shall promptly report, when appropriate, to the*
10 *appropriate congressional committees, and to the*
11 *Secretary General or to the head of the appro-*
12 *priate United Nations Entity, cases in which the*
13 *Secretary of State reasonably believes that mis-*
14 *management, misfeasance, or malfeasance is like-*
15 *ly to have taken place within a United Nations*
16 *Entity and disciplinary proceedings are likely*
17 *justified.*

18 (4) *CONFIRMATION OF TRANSPARENCY BY*
19 *UNITED NATIONS ENTITIES.*—

20 (A) *PROMPT NOTICE BY DEPARTMENT OF*
21 *STATE.*—*Whenever information or assistance re-*
22 *quested from a United Nations Entity by the De-*
23 *partment of State pursuant to a Transparency*
24 *Certification is, in the opinion of the Secretary*
25 *of State, unreasonably refused or not provided in*

1 *a timely manner, the Secretary of State shall no-*
2 *tify the appropriate congressional committees,*
3 *the head of that particular United Nations Enti-*
4 *ty, and the Secretary General of the cir-*
5 *cumstances in writing, without delay.*

6 *(B) NOTICE OF COMPLIANCE.—If and when*
7 *the information or assistance being sought by the*
8 *Department of State in connection with a notifi-*
9 *cation pursuant to subparagraph (A) is provided*
10 *to the satisfaction of the Secretary of State, the*
11 *Secretary of State shall so notify in writing to*
12 *the appropriate congressional committees and the*
13 *head of that particular United Nations Entity.*

14 *(C) NONCOMPLIANCE.—If the information*
15 *or assistance being sought by the Department of*
16 *State in connection with a notification pursuant*
17 *to subparagraph (A) is not provided within 90*
18 *days of that notification, then the United Na-*
19 *tions Entity that is the subject of the notification*
20 *is deemed to be noncompliant with its Trans-*
21 *parency Certification, and*

22 *(D) RESTORATION OF COMPLIANCE.—After*
23 *the situation has been resolved to the satisfaction*
24 *of the Secretary of State, the Secretary of State*
25 *shall promptly provide prompt, written notifica-*

1 *tion of that fact and of the restoration of compli-*
2 *ance, along with a description of the basis for the*
3 *Secretary of State's decision, to the appropriate*
4 *congressional committees, the head of that United*
5 *Nations Entity, the Secretary General, and any*
6 *office or agency of the Federal Government that*
7 *has provided that United Nations Entity with*
8 *any United States contribution during the prior*
9 *2 years.*

10 (5) *CONFIRMATION OF ACCOUNTABILITY BY*
11 *UNITED NATIONS ENTITIES.—*

12 (A) *PROMPT NOTICE BY SECRETARY OF*
13 *STATE.—Whenever a United Nations Entity that*
14 *has provided an Accountability Certification is,*
15 *in the opinion of the Secretary of State, not in*
16 *full compliance with any or all of the provisions*
17 *of that certification, the Secretary of State shall*
18 *notify the appropriate congressional committees,*
19 *the head of that particular United Nations Enti-*
20 *ty, and the Secretary General of the cir-*
21 *cumstances in writing, without delay.*

22 (B) *NOTICE OF COMPLIANCE.—If and when*
23 *the United Nations Entity resumes full compli-*
24 *ance with its Accountability Certification fol-*
25 *lowing the provision of the notification pursuant*

1 to subparagraph (A), the Secretary of State shall
2 so notify in writing the appropriate congress-
3 sional committees and the head of that United
4 Nations Entity.

5 (C) NONCOMPLIANCE.—If the United Na-
6 tions Entity named in the notification in sub-
7 paragraph (A) does not resume full compliance
8 with its Accountability Certification to the satis-
9 faction of the Secretary of State within 90 days
10 of that notification, then the United Nations En-
11 tity that is the subject of the notification is
12 deemed to be noncompliant with its Account-
13 ability Certification, and the Secretary of State
14 shall provide prompt, written notification of that
15 fact to the appropriate congressional committees,
16 the head of that United Nations Entity, the Sec-
17 retary General, and any office or agency of the
18 Federal Government that has provided that
19 United Nations Entity with any United States
20 Contribution during the prior 2 years.

21 (D) RESTORATION OF COMPLIANCE.—After
22 the situation has been resolved to the satisfaction
23 of the Secretary of State, the Secretary of State
24 shall promptly provide prompt, written notifica-
25 tion of that fact and of the restoration of compli-

1 *ance, along with a description of the basis for the*
2 *Secretary of State’s decision, to the appropriate*
3 *congressional committees, the head of that United*
4 *Nations Entity, the Secretary General, and any*
5 *office or agency of the Federal Government that*
6 *has provided that United Nations Entity with*
7 *any United States contribution during the prior*
8 *2 years.*

9 *(6) REPORTING.—*

10 *(A) REPORTING.—In the report submitted*
11 *by the Director of the Office of Management and*
12 *Budget to Congress pursuant to section 207, the*
13 *Secretary of State shall submit for inclusion a*
14 *section that, among other things, includes a list*
15 *and detailed description of the circumstances*
16 *surrounding any notification of compliance*
17 *issued pursuant to paragraph (4)(C) or (5)(C)*
18 *during the covered timeframe, and whether and*
19 *when the Secretary has reversed such finding of*
20 *noncompliance.*

21 *(B) PROHIBITED DISCLOSURES.—Nothing*
22 *in this subsection shall be construed to authorize*
23 *the public disclosure of information that is—*

24 *(i) specifically prohibited from disclo-*
25 *sure by any other provision of law;*

1 (ii) specifically required by Executive
2 Order to be protected from disclosure in the
3 interest of national defense or national secu-
4 rity or in the conduct of foreign affairs; or
5 (iii) a part of an ongoing criminal in-
6 vestigation.

7 (C) *PRIVACY PROTECTIONS.*—The Secretary
8 of State shall exempt from public disclosure in-
9 formation received from a United Nations Enti-
10 ty that the Secretary of State believes—

11 (i) constitutes a trade secret or privi-
12 leged and confidential personal financial
13 information;

14 (ii) constitutes confidential personal
15 medical information;

16 (iii) accuses a particular person of a
17 crime;

18 (iv) would, if publicly disclosed, con-
19 stitute a clearly unwarranted invasion of
20 personal privacy; and

21 (v) would compromise an ongoing law
22 enforcement investigation or judicial trial
23 in the United States.

1 **SEC. 204. TRANSPARENCY FOR UNITED STATES CONTRIBU-**
2 **TIONS.**

3 (a) *FUNDING PREREQUISITES.*—*Notwithstanding any*
4 *other provision of law, no funds made available for use as*
5 *a United States Contribution to any United Nations Entity*
6 *may be obligated or expended if—*

7 (1) *the intended United Nations Entity recipient*
8 *has not provided to the Secretary of State within the*
9 *preceding year a Transparency Certification as de-*
10 *fined in section 202(1);*

11 (2) *the intended United Nations Entity recipient*
12 *is noncompliant with its Transparency Certification*
13 *as described in section 203(b)(4)(C);*

14 (3) *the intended United Nations Entity recipient*
15 *has not provided to the Secretary of State within the*
16 *preceding year an Accountability Certification as de-*
17 *fined in section 202(3); or*

18 (4) *the intended United Nations Entity is non-*
19 *compliant with its Accountability Certification as de-*
20 *scribed in section 203(b)(5)(C).*

21 (b) *TREATMENT OF FUNDS WITHHELD FOR NON-*
22 *COMPLIANCE.*—*At the conclusion of each fiscal year, any*
23 *funds that had been appropriated for use as a United States*
24 *Contribution to a United Nations Entity during that fiscal*
25 *year, but could not be obligated or expended because of the*
26 *restrictions of subsection (a), shall be returned to the United*

1 *States Treasury, and are not subject to reprogramming for*
2 *any other use. Any such funds returned to the Treasury*
3 *shall not be considered arrears to be repaid to any United*
4 *Nations Entity.*

5 *(c) PRESIDENTIAL WAIVER.—The President may*
6 *waive the limitations of this subsection with respect to a*
7 *particular United States Contribution to a particular*
8 *United Nations Entity within a single fiscal year if the*
9 *President determines that failure to do so would pose an*
10 *extraordinary threat to the national security of the United*
11 *States and provides notification and explanation of that*
12 *determination to the appropriate congressional committees.*

13 **SEC. 205. INTEGRITY FOR UNITED STATES CONTRIBUTIONS.**

14 *(a) LIMITATION.—(1) No funds made available for use*
15 *under the heading “Contributions to International Organi-*
16 *zations” may be used for any purpose other than an as-*
17 *signed United States contribution to a United Nations Enti-*
18 *ty or other international organization.*

19 *(2) No funds made available for use under the heading*
20 *“International Organizations and Programs” may be used*
21 *for any purpose other than a voluntary United States con-*
22 *tribution to a United Nations Entity or other international*
23 *organization.*

24 *(3) No funds made available for use under the heading*
25 *“Contributions to International Peacekeeping Activities”*

1 *may be used for any purpose other than a United States*
2 *contribution to United Nations peacekeeping activities, to*
3 *the International Criminal Tribunal for the former Yugo-*
4 *slavia, or to the International Criminal Tribunal for*
5 *Rwanda.*

6 (b) *TREATMENT OF FUNDS WITHHELD FOR NON-*
7 *COMPLIANCE.—At the conclusion of each fiscal year, any*
8 *funds that had been appropriated for use as a United States*
9 *contribution to a United Nations Entity during that fiscal*
10 *year, but could not be obligated or expended because of the*
11 *restrictions of subsection (a), shall be returned to the United*
12 *States Treasury, and are not subject to reprogramming for*
13 *any other use. Any such funds returned to the Treasury*
14 *shall not be considered arrears to be repaid to any United*
15 *Nations Entity.*

16 **SEC. 206. REFUND OF MONIES OWED BY THE UNITED NA-**
17 **TIONS TO THE UNITED STATES.**

18 (a) *FINDINGS.—Congress makes the following findings:*

19 (1) *United States taxpayer funds overpaid to*
20 *United Nations Entities and payable back to the*
21 *United States sometimes remain in the hands of the*
22 *United Nations because the United States has not re-*
23 *quested the return of those funds.*

24 (2) *Such funds have been paid into, among other*
25 *United Nations Entities, the United Nations Tax*

1 *Equalization Fund (TEF), which was established*
2 *under the provisions of United Nations General As-*
3 *sembly Resolution 973 (1955), and which is used to*
4 *reimburse United Nations staff members subject to*
5 *United States income taxes for the cost of those taxes.*

6 *(3) In recent years, the TEF has taken in con-*
7 *siderably more money than it has paid out, with the*
8 *United States apparently overpaying into the TEF*
9 *by \$52.2 million in the 2008–2009 timeframe alone.*

10 *(4) According to the United Nations Financial*
11 *Report and Audited Financial Statements released on*
12 *July 29, 2010, “As of 31 December 2009, an amount*
13 *of \$179.0 million was payable to the United States of*
14 *America pending instructions as to its disposition.”.*

15 *(5) That balance was allowed to accrue notwith-*
16 *standing United Nations Financial Regulation 4.12,*
17 *which states that any such surpluses “shall be cred-*
18 *ited against the assessed contributions due from that*
19 *Member State the following year.”.*

20 *(6) Allowing the United Nations to regularly*
21 *overcharge the United States and to retain those over-*
22 *payments, or to spend them on wholly unrelated ac-*
23 *tivities, is a disservice to American taxpayers and a*
24 *subversion of the Congressional budget process.*

1 (b) *STATEMENT OF POLICY.*—*It is the policy of the*
2 *United States—*

3 (1) *to annually instruct the United Nations to*
4 *return to the United States any surplus assessed con-*
5 *tributions or other overpayments by the United States*
6 *to any United Nations Entity; and*

7 (2) *to use the voice and vote of the United States*
8 *to press the United Nations to reform its TEF assess-*
9 *ment procedures to reduce the repeated discrepancies*
10 *between TEF income and expenditures.*

11 (c) *CERTIFICATION AND WITHHOLDING.*—*For each*
12 *and every fiscal year subsequent to the effective date of this*
13 *Act, until the Secretary of State submits to the appropriate*
14 *congressional committees a certification that the United Na-*
15 *tions has returned to the United States any surplus assessed*
16 *contributions or other overpayments by the United States*
17 *to any United Nations Entity, the Secretary of State shall*
18 *withhold from the regular budget of the United Nations an*
19 *amount equal to the amount of the funds that the United*
20 *Nations has yet to return to the United States.*

21 **SEC. 207. ANNUAL REPORTS ON UNITED STATES CONTRIBU-**
22 **TIONS TO THE UNITED NATIONS.**

23 (a) *ANNUAL REPORT.*—*Not later than 90 days after*
24 *the date of the enactment of this Act and annually for two*
25 *years thereafter, the Director of the Office of Management*

1 *and Budget shall submit to Congress a report listing all*
2 *assessed and voluntary contributions of the United States*
3 *Government for the preceding fiscal year to the United Na-*
4 *tions and United Nations affiliated agencies and related*
5 *bodies.*

6 (b) *CONTENTS.—Each report required under sub-*
7 *section (a) shall set forth, for the fiscal year covered by such*
8 *report, the following:*

9 (1) *The total amount of all assessed and vol-*
10 *untary contributions of the United States Government*
11 *to the United Nations and United Nations affiliated*
12 *agencies and related bodies.*

13 (2) *The approximate percentage of United States*
14 *Government contributions to each United Nations af-*
15 *iliated agency or body in such fiscal year when com-*
16 *pared with all contributions to such agency or body*
17 *from any source in such fiscal year.*

18 (3) *For each such contribution—*

19 (A) *the amount of such contribution;*

20 (B) *a description of such contribution (in-*
21 *cluding whether assessed or voluntary);*

22 (C) *the department or agency of the United*
23 *States Government responsible for such contribu-*
24 *tion;*

25 (D) *the purpose of such contribution; and*

1 (E) the United Nations or United Nations
2 affiliated agency or related body receiving such
3 contribution.

4 **TITLE III—UNITED STATES POL-**
5 **ICY AT THE UNITED NATIONS**

6 **SEC. 301. ANNUAL PUBLICATION.**

7 *The President shall direct the United States Perma-*
8 *nent Representative to the United Nations to use the voice,*
9 *vote, and influence of the United States at the United Na-*
10 *tions to ensure the United Nations publishes annually, in-*
11 *cluding on a publicly searchable internet Web site, a list*
12 *of all United Nations subsidiary bodies and their functions,*
13 *budgets, staff, and contributions, both voluntary and as-*
14 *sessed, sorted by donor.*

15 **SEC. 302. ANNUAL FINANCIAL DISCLOSURE.**

16 *The President shall direct the United States Perma-*
17 *nent Representative to the United Nations to use the voice,*
18 *vote, and influence of the United States at the United Na-*
19 *tions to implement a system for the required filing of indi-*
20 *vidual annual financial disclosure forms by each employee*
21 *of the United Nations and its specialized agencies, pro-*
22 *grams, and funds at the P-5 level and above, which shall*
23 *be made available to the Office of Internal Oversight Serv-*
24 *ices, to Member States, and to the public.*

1 **SEC. 303. POLICY WITH RESPECT TO EXPANSION OF THE**
2 **SECURITY COUNCIL.**

3 *It is the policy of the United States to use the voice,*
4 *vote, and influence of the United States at the United Na-*
5 *tions to oppose any proposals on expansion of the Security*
6 *Council if such expansion would—*

7 *(1) diminish the influence of the United States*
8 *on the Security Council; or*

9 *(2) include veto rights for any new members of*
10 *the Security Council.*

11 **SEC. 304. ACCESS TO REPORTS AND AUDITS.**

12 *The President shall direct the United States Perma-*
13 *nent Representative to the United Nations to use the voice,*
14 *vote, and influence of the United States at the United Na-*
15 *tions to ensure that Member States may, upon request, have*
16 *access to all reports and audits completed by the Board of*
17 *External Auditors.*

18 **SEC. 305. WAIVER OF IMMUNITY.**

19 *The President shall direct the United States Perma-*
20 *nent Representative to the United Nations to use the voice,*
21 *vote, and influence of the United States at the United Na-*
22 *tions to ensure that the Secretary General exercises the right*
23 *and duty of the Secretary General under section 20 of the*
24 *Convention on the Privileges and Immunities of the United*
25 *Nations to waive the immunity of any United Nations offi-*
26 *cial in any case in which such immunity would impede*

1 *the course of justice. In exercising such waiver, the Sec-*
2 *retary General is urged to interpret the interests of the*
3 *United Nations as favoring the investigation or prosecution*
4 *of a United Nations official who is credibly under investiga-*
5 *tion for having committed a serious criminal offense or who*
6 *is credibly charged with a serious criminal offense.*

7 **SEC. 306. TERRORISM AND THE UNITED NATIONS.**

8 (a) *IN GENERAL.*—*The President shall direct the*
9 *United States Permanent Representative to the United Na-*
10 *tions to use the voice, vote, and influence of the United*
11 *States at the United Nations to work toward adoption by*
12 *the General Assembly of—*

13 (1) *a definition of terrorism that—*

14 (A) *builds upon the recommendations of the*
15 *December 2004 report of the High-Level Panel*
16 *on Threats, Challenges, and Change;*

17 (B) *includes as an essential component of*
18 *such definition any action that is intended to*
19 *cause death or serious bodily harm to civilians*
20 *with the purpose of intimidating a population or*
21 *compelling a government or an international or-*
22 *ganization to do, or abstain from doing, any act;*
23 *and*

24 (C) *does not propose a legal or moral*
25 *equivalence between an action described in sub-*

1 *paragraph (B) and measures taken by a govern-*
2 *ment or international organization in self-de-*
3 *fense against an action described in such sub-*
4 *paragraph; and*

5 *(2) a comprehensive convention on terrorism that*
6 *includes the definition described in paragraph (1).*

7 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
8 *that—*

9 *(1) authoritarian regimes often inaccurately*
10 *label peaceful, pro-freedom, pro-democracy movements*
11 *as terrorist movements in order to undermine the le-*
12 *gitimacy of those movements; and*

13 *(2) any United Nations definition of terrorism*
14 *should not be used to undermine a peaceful, pro-free-*
15 *dom, pro-democracy movement against authoritarian*
16 *rule.*

17 **SEC. 307. REPORT ON UNITED NATIONS PERSONNEL.**

18 *(a) IN GENERAL.—Not later than 1 year after the date*
19 *of the enactment of this Act, the Secretary of State shall*
20 *submit to the appropriate congressional committees a re-*
21 *port—*

22 *(1) concerning the progress of the General Assem-*
23 *bly to modernize human resource practices, consistent*
24 *with the March 2005 report of the Secretary General*

1 entitled “*In larger freedom: towards development, se-*
2 *curity and human rights for all*”; and

3 (2) containing the information described in sub-
4 section (b).

5 (b) *CONTENTS*.—*The report shall include—*

6 (1) a comprehensive evaluation of human re-
7 sources reforms at the United Nations, including an
8 evaluation of—

9 (A) tenure;

10 (B) performance reviews;

11 (C) the promotion system;

12 (D) a merit-based hiring system and en-
13 hanced regulations concerning termination of
14 employment of employees; and

15 (E) the implementation of a code of conduct
16 and ethics training;

17 (2) the implementation of a system of procedures
18 for filing complaints and protective measures for
19 work-place harassment, including sexual harassment;

20 (3) policy recommendations relating to the estab-
21 lishment of a rotation requirement for nonadminis-
22 trative positions;

23 (4) policy recommendations relating to the estab-
24 lishment of a prohibition preventing personnel and
25 officials assigned to the mission of a member state to

1 *the United Nations from transferring to a position*
2 *within the United Nations Secretariat that is com-*
3 *pensated at the P-5 level and above;*

4 (5) *policy recommendations relating to a reduc-*
5 *tion in travel allowances and attendant oversight*
6 *with respect to accommodations and airline flights;*
7 *and*

8 (6) *an evaluation of the recommendations of the*
9 *Secretary General relating to greater flexibility for*
10 *the Secretary General in staffing decisions to accom-*
11 *modate changing priorities.*

12 **SEC. 308. UNITED NATIONS TREATY BODIES.**

13 *The United States shall withhold from United States*
14 *contributions to the regular assessed budget of the United*
15 *Nations for a biennial period amounts that are propor-*
16 *tional to the percentage of such budget that are expended*
17 *with respect to a United Nations human rights treaty moni-*
18 *toring body or committee that was established by—*

19 (1) *a convention (without any protocols) or an*
20 *international covenant (without any protocols) to*
21 *which the United States is not party; or*

22 (2) *a convention, with a subsequent protocol, if*
23 *the United States is a party to neither.*

24 **SEC. 309. EQUALITY AT THE UNITED NATIONS.**

25 (a) *DEPARTMENT OF STATE REVIEW AND REPORT.—*

1 (1) *IN GENERAL.*—*To avoid duplicative efforts*
2 *and funding with respect to Palestinian interests and*
3 *to ensure balance in the approach to Israeli-Pales-*
4 *tinian issues, the Secretary shall, not later than 180*
5 *days after the date of the enactment of this Act—*

6 (A) *complete an audit of the functions of the*
7 *entities listed in paragraph (2); and*

8 (B) *submit to the appropriate congressional*
9 *committees a report containing audit findings*
10 *and conclusions, and recommendations for the*
11 *elimination of such duplicative entities and ef-*
12 *forts.*

13 (2) *ENTITIES.*—*The entities referred to in para-*
14 *graph (1)(A) are the following:*

15 (A) *The United Nations Division for Pales-*
16 *tinian Rights.*

17 (B) *The Committee on the Exercise of the*
18 *Inalienable Rights of the Palestinian People.*

19 (C) *The United Nations Special Coordi-*
20 *nator for the Middle East Peace Process and*
21 *Personal Representative to the Palestine Libera-*
22 *tion Organization and the Palestinian Author-*
23 *ity.*

24 (D) *The NGO Network on the Question of*
25 *Palestine.*

1 (E) *The Special Committee to Investigate*
2 *Israeli Practices Affecting the Human Rights of*
3 *the Palestinian People and Other Arabs of the*
4 *Occupied Territories.*

5 (F) *Any other entity the Secretary deter-*
6 *mines results in duplicative efforts or funding or*
7 *fails to ensure balance in the approach to*
8 *Israeli-Palestinian issues.*

9 (b) *IMPLEMENTATION BY PERMANENT REPRESENTA-*
10 *TIVE.—*

11 (1) *IN GENERAL.—The President shall direct the*
12 *United States Permanent Representative to the*
13 *United Nations to use the voice, vote, and influence*
14 *of the United States at the United Nations to seek the*
15 *implementation of the recommendations contained in*
16 *the report required under subsection (a)(1)(B).*

17 (2) *WITHHOLDING OF FUNDS.—Until such rec-*
18 *ommendations have been implemented, the United*
19 *States shall withhold from United States contribu-*
20 *tions to the regular assessed budget of the United Na-*
21 *tions for a biennial period amounts that are propor-*
22 *tional to the percentage of such budget that are ex-*
23 *pende*
d for such entities.

1 **SEC. 310. ANTI-SEMITISM AND THE UNITED NATIONS.**

2 *The President shall direct the United States perma-*
3 *nent representative to the United Nations to use the voice,*
4 *vote, and influence of the United States at the United Na-*
5 *tions to make every effort to—*

6 *(1) ensure the issuance and implementation of a*
7 *directive by the Secretary General or the Secretariat,*
8 *as appropriate, that—*

9 *(A) requires all employees of the United Na-*
10 *tions and its specialized agencies to officially*
11 *and publicly condemn anti-Semitic statements*
12 *made at any session of the United Nations or its*
13 *specialized agencies, or at any other session*
14 *sponsored by the United Nations;*

15 *(B) requires employees of the United Na-*
16 *tions and its specialized agencies, programs, and*
17 *funds to be subject to punitive action, including*
18 *immediate dismissal, for making anti-Semitic*
19 *statements or references;*

20 *(C) proposes specific recommendations to*
21 *the General Assembly for the establishment of*
22 *mechanisms to hold accountable employees and*
23 *officials of the United Nations and its specialized*
24 *agencies, programs, and funds, or Member*
25 *States, that make such anti-Semitic statements*

1 *or references in any forum of the United Nations*
2 *or of its specialized agencies;*

3 *(D) continues to develop and implements*
4 *education awareness programs about the Holo-*
5 *caust and anti-Semitism throughout the world,*
6 *as part of an effort to combat intolerance and*
7 *hatred; and*

8 *(E) requires the Office of the United Na-*
9 *tions High Commissioner for Human Rights*
10 *(OHCHR) to develop programming and other*
11 *measures that address anti-Semitism;*

12 *(2) secure the adoption of a resolution by the*
13 *General Assembly that establishes the mechanisms de-*
14 *scribed in paragraph (1)(C); and*

15 *(3) continue working toward further reduction of*
16 *anti-Semitic language and anti-Israel resolutions in*
17 *the United Nations and its specialized agencies, pro-*
18 *grams, and funds.*

19 **SEC. 311. REGIONAL GROUP INCLUSION OF ISRAEL.**

20 *The President shall direct the United States Perma-*
21 *nent Representative to the United Nations to use the voice,*
22 *and influence of the United States at the United Na-*
23 *tions to expand the Western European and Others Group*
24 *(WEOG) in the United Nations in Geneva to include Israel*
25 *as a permanent member with full rights and privileges.*

1 **SEC. 312. UNITED STATES POLICY ON TAIWAN'S PARTICIPA-**
2 **TION IN UNITED NATIONS ENTITIES.**

3 *The Secretary of State shall direct the United States*
4 *Permanent Representative to the United Nations to use the*
5 *voice, vote, and influence of the United States at the United*
6 *Nations to ensure meaningful participation for Taiwan in*
7 *relevant United Nations Entities in which Taiwan has ex-*
8 *pressed an interest in participating.*

9 **SEC. 313. UNITED STATES POLICY ON TIER 3 HUMAN**
10 **RIGHTS VIOLATORS.**

11 *The Secretary of State shall direct the United States*
12 *Permanent Representative to the United Nations to use the*
13 *voice, vote, and influence of the United States at the United*
14 *Nations to ensure that no representative of a country des-*
15 *ignated pursuant to section 110 of the Trafficking Victims*
16 *Protection Act of 2000 (22 U.S.C. 7107) by the Department*
17 *of State as a Tier 3 country shall preside as Chair or Presi-*
18 *dent of any United Nations Entity.*

19 **TITLE IV—STATUS OF PALES-**
20 **TINIAN ENTITIES AT THE**
21 **UNITED NATIONS**

22 **SEC. 401. FINDINGS.**

23 *Congress makes the following findings:*

24 *(1) In 1989, the Palestine Liberation Organiza-*
25 *tion (PLO) launched an effort to evade direct negotia-*
26 *tions for peace with the State of Israel by instead*

1 *pursuing Palestinian membership in international*
2 *organizations, which could imply de facto recognition*
3 *of a Palestinian state by the United Nations.*

4 (2) *The Executive Branch, with significant sup-*
5 *port from Members of Congress, successfully stopped*
6 *the PLO's effort by credibly threatening, as noted in*
7 *a May 1, 1989 statement by then-Secretary of State*
8 *James A. Baker, "that the United States [would]*
9 *make no further contributions, voluntary or assessed,*
10 *to any international organization which makes any*
11 *change in the P.L.O.'s present status as an observer*
12 *organization."*

13 (3) *The United States success in this case dem-*
14 *onstrates that withholding contributions and placing*
15 *conditions on their payment can result in real re-*
16 *forms, stop counter-productive developments, and ad-*
17 *vance United States interests at the United Nations.*

18 (4) *The Palestinian leadership has recently re-*
19 *sumed its effort to evade direct negotiations for peace*
20 *with the State of Israel by seeking recognition of a*
21 *Palestinian state from foreign governments and in*
22 *international forums.*

23 (5) *Efforts to bypass negotiations and to unilat-*
24 *erally declare a Palestinian state, or to appeal to the*
25 *United Nations or other international forums or to*

1 *foreign governments for recognition of a Palestinian*
2 *state or membership or other upgraded status for the*
3 *Palestinian observer mission at those forums, would*
4 *violate the underlying principles of the Oslo Accords,*
5 *the Road Map, and other relevant Middle East peace*
6 *process efforts.*

7 (6) *On December 15, 2010, the House of Rep-*
8 *resentatives passed House Resolution 1765, in which,*
9 *inter alia, the House of Representatives:*

10 (A) *“reaffirms its strong opposition to any*
11 *attempt to establish or seek recognition of a Pal-*
12 *estinian state outside of an agreement negotiated*
13 *between Israel and the Palestinians”;*

14 (B) *“supports the Administration’s opposi-*
15 *tion to a unilateral declaration of a Palestinian*
16 *state”;* and

17 (C) *“calls upon the Administration to . . .*
18 *lead a diplomatic effort to persuade other na-*
19 *tions to oppose a unilateral declaration of a Pal-*
20 *estinian state and to oppose recognition of a Pal-*
21 *estinian state by other nations, within the*
22 *United Nations, and in other international fo-*
23 *runs prior to achievement of a final agreement*
24 *between Israel and the Palestinians.”.*

1 (7) *Ambassador Rosemary DiCarlo, United*
2 *States Deputy Permanent Representative to the*
3 *United Nations, stated on July 26, 2011, “Let there*
4 *be no doubt: symbolic actions to isolate Israel at the*
5 *United Nations in September will not create an inde-*
6 *pendent Palestinian state . . . The United States will*
7 *not support unilateral campaigns at the United Na-*
8 *tions in September or any other time.”.*

9 (8) *On September 16, 2011, the Deputy National*
10 *Security Advisor for Strategic Communications stated*
11 *that “We would veto actions through the Security*
12 *Council and oppose action through the Security*
13 *Council associated with a unilateral declaration of*
14 *[Palestinian] statehood.”.*

15 **SEC. 402. STATEMENT OF POLICY.**

16 *It is the policy of the United States to oppose the rec-*
17 *ognition of a Palestinian state by any United Nations En-*
18 *tity, or any upgrade, including but not limited to full mem-*
19 *bership or non-member-state observer status, in the status*
20 *of the Palestinian observer mission at the United Nations,*
21 *the Palestine Liberation Organization, the Palestinian Au-*
22 *thority, or any other Palestinian administrative organiza-*
23 *tion or governing entity, at any United Nations Entity,*
24 *prior to the achievement of a final peace agreement nego-*
25 *tiated between and agreed to by Israel and the Palestinians.*

1 **SEC. 403. IMPLEMENTATION.**

2 (a) *IN GENERAL.*—*The President shall direct the*
3 *United States Permanent Representative to the United Na-*
4 *tions to use the voice, vote, and influence of the United*
5 *States at the United Nations to advance the policy stated*
6 *in section 402.*

7 (b) *WITHHOLDING OF FUNDS.*—*The Secretary of State*
8 *shall withhold United States contributions from any United*
9 *Nations Entity that recognizes a Palestinian state or up-*
10 *grades in any way, including full membership or non-mem-*
11 *ber-state observer status, the status of the Palestinian ob-*
12 *server mission at the United Nations, the Palestine Libera-*
13 *tion Organization, the Palestinian Authority, or any other*
14 *Palestinian administrative organization or governing enti-*
15 *ty, at that United Nations Entity, prior to the achievement*
16 *of complete and final peace agreement negotiated between*
17 *and agreed to by Israel and the Palestinians. Funds appro-*
18 *priated for use as a United States contribution to the*
19 *United Nations but withheld from obligation and expendi-*
20 *ture pursuant to this section shall immediately revert to*
21 *the United States Treasury and shall not be considered ar-*
22 *rears to be repaid to any United Nations Entity.*

23 **TITLE V—UNITED NATIONS**
24 **HUMAN RIGHTS COUNCIL**

25 **SEC. 501. FINDINGS.**

26 *Congress makes the following findings:*

1 (1) *Since its establishment in 2006, the United*
2 *Nations Human Rights Council has failed to mean-*
3 *ingfully promote the protection of internationally rec-*
4 *ognized human rights, and has proven to be even*
5 *more problematic than the United Nations Human*
6 *Rights Commission that it was created to replace.*

7 (2) *The United Nations Human Rights Council*
8 *suffers from fundamental and severe structural flaws*
9 *present since its establishment by the United Nations*
10 *General Assembly, such as the fact that it draws its*
11 *members from the General Assembly without any sub-*
12 *stantive membership criteria, with the perverse result*
13 *that a number of the world's worst human rights*
14 *abusers are members of the council.*

15 (3) *For example, the majority of members of the*
16 *United Nations Human Rights Council are rated*
17 *“Not Free” or only “Partly Free” by Freedom House.*
18 *Only a minority of members were rated “Free”.*

19 (4) *The structure and composition of the United*
20 *Nations Human Rights Council have made it subject*
21 *to gross political manipulation, with the result that,*
22 *during its almost five years of operation, the Council*
23 *has passed over 40 resolutions censuring the demo-*
24 *cratic, Jewish State of Israel, as compared to only a*
25 *handful censuring the dictatorships in Burma, North*

1 *Korea, and Syria, just one addressing the severe, on-*
2 *going human rights abuses in Libya, Iran, and*
3 *Belarus, and none addressing the severe, ongoing*
4 *human rights abuses in China, Cuba, Russia,*
5 *Zimbabwe, Venezuela, and elsewhere.*

6 *(5) The United Nations Human Rights Council's*
7 *agenda contains a permanent item for criticism of the*
8 *democratic, Jewish State of Israel, but no permanent*
9 *items criticizing any other state.*

10 *(6) The United Nations Human Rights Council*
11 *has established, or preserved the existence of, a num-*
12 *ber of "Special Procedures" mechanisms to address*
13 *country-specific situations or thematic issues. These*
14 *mechanisms include a number of "special*
15 *rapporteurs" whose expenses and staff support are*
16 *paid for by contributions to the United Nations.*

17 *(7) The United Nations Human Rights Council*
18 *has also established an "Advisory Committee" whose*
19 *expenses and staff support are paid for by contribu-*
20 *tions to the United Nations.*

21 *(8) Some of these special rapporteurs and mem-*
22 *bers of the Advisory Committee have displayed con-*
23 *sistent bias against the United States, Israel, and the*
24 *Jewish people, while providing support to human*
25 *rights abusers.*

1 (9) *Richard Falk, the United Nations “Special*
2 *Rapporteur on the situation of human rights in Pal-*
3 *estinian territories occupied since 1967”, has com-*
4 *pared Israel’s treatment of the Palestinians to the*
5 *Holocaust, questioned the veracity of the events of*
6 *September 11, 2001, and posted a cartoon on his blog*
7 *depicting Americans and Jews as bloodthirsty dogs.*

8 (10) *Jean Ziegler, a member of the United Na-*
9 *tions Human Rights Council Advisory Committee*
10 *and former United Nations “Special Rapporteur on*
11 *the Right to Food”, has accused former President*
12 *George W. Bush and former Israeli Prime Minister*
13 *Ariel Sharon of committing “state terrorism”, has*
14 *called for an investigation of Israel by the Inter-*
15 *national Criminal Court for “war crimes” following*
16 *Israel’s war against Hezbollah in 2006, has visited*
17 *Cuba and praised the Cuban regime’s provision of*
18 *food to the Cuban people, and has stated that*
19 *Zimbabwean dictator Robert Mugabe “has history*
20 *and morality with him”. Ziegler was also involved in*
21 *the establishment of the “Al-Gaddafi International*
22 *Prize for Human Rights”, a prize established by,*
23 *funded by, and named after Libyan dictator Muam-*
24 *mar al-Gaddafi, and awarded in the past to Fidel*
25 *Castro, Hugo Chavez, Louis Farrakhan, and Roger*

1 *Garaudy, who has denied the Holocaust, questioned*
2 *the veracity of the events of September 11, 2001, and*
3 *supported Iranian leader Mahmoud Ahmadinejad’s*
4 *call for Israel to be “wiped off the map”.*

5 *(11) Miguel D’Escoto Brockmann, a member of*
6 *the United Nations Human Rights Council Advisory*
7 *Committee who has previously served as President of*
8 *the United Nations General Assembly and as foreign*
9 *minister for the Sandinista regime in Nicaragua, has*
10 *implicitly accused the United States of “terrorism”,*
11 *has called former President Ronald Reagan a “butch-*
12 *er”, has called for a international boycott of Israel,*
13 *has stated that the Palestinians were being “cru-*
14 *cified” by Israel, has called Israel’s defensive Oper-*
15 *ation Cast Lead in the Gaza Strip a “monstrosity”*
16 *and “genocide”, has urged the United Nations to use*
17 *the term “apartheid” in discussing Israeli treatment*
18 *of Palestinians, has embraced Iranian leader*
19 *Mahmoud Ahmadinejad after Ahmadinejad delivered*
20 *an anti-American, anti-Israel address to the United*
21 *Nations General Assembly, has stated that charges of*
22 *genocide against Sudanese dictator Omar Hassan al*
23 *Bashir are “racist”, and has declared Fidel Castro*
24 *“World Hero of Solidarity”, stating that Castro*

1 *“embod[ied] virtues and values worth emulation by*
2 *all of us”.*

3 *(12) Halima Warzazi, a member of the United*
4 *Nations Human Rights Council Advisory Committee,*
5 *has compared Israel to Nazi Germany, and used her*
6 *previous membership in a United Nations apparatus*
7 *to shield Saddam Hussein from censure for gassing*
8 *Iraqi Kurds in Halabja.*

9 *(13) The ongoing five-year review of the United*
10 *Nations Human Rights Council concluded on June*
11 *17, 2011, and failed make any significant reforms to*
12 *its fundamental and severe structural flaws, including*
13 *its absence of substantive membership criteria, or to*
14 *remove the permanent agenda item on Israel.*

15 *(14) On June 17, 2011, John F, Sammis, United*
16 *States Deputy Representative to the Economic and*
17 *Social Council, stated that “The Geneva process [of*
18 *the five-year review] failed to yield even minimally*
19 *positive results, forcing us to dissociate from the out-*
20 *come . . . the final resolution [for the five-year re-*
21 *view] also fails to address the core problems that still*
22 *plague the Human Rights Council . . . The United*
23 *States has therefore voted ‘no’ on the resolution . . .*
24 *the Council’s effectiveness and legitimacy will always*
25 *be compromised so long as one country in all the*

1 *world is unfairly and uniquely singled out while oth-*
2 *ers, including chronic human rights abusers, escape*
3 *scrutiny . . . The resolution before us today does*
4 *nothing to address the Council's failures nor move it*
5 *any closer to the founding values of the UN Charter*
6 *and the Universal Declaration of Human Rights.”.*

7 *(15) United States membership in the Human*
8 *Rights Council has not led to reform of its funda-*
9 *mental flaws diminished the Council's virulently*
10 *anti-Israel behavior. The Council has passed fourteen*
11 *resolutions criticizing Israel since the United States*
12 *joined in 2009.*

13 **SEC. 502. HUMAN RIGHTS COUNCIL MEMBERSHIP AND**
14 **FUNDING.**

15 *(a) IN GENERAL.—For each and every fiscal year sub-*
16 *sequent to the effective date of this Act, until the Secretary*
17 *of State submits to Congress a certification that the require-*
18 *ments described in subsection (b) have been satisfied—*

19 *(1) the Secretary of State shall withhold from a*
20 *United States contribution each fiscal year to a reg-*
21 *ular budget of the United Nations an amount that is*
22 *equal to the percentage of such contribution that the*
23 *Secretary determines would be allocated by the United*
24 *Nations to support the United Nations Human Rights*
25 *Council;*

1 (2) *the Secretary of State shall not make a vol-*
2 *untary contribution to the United Nations Human*
3 *Rights Council; and*

4 (3) *the United States shall not run for a seat on*
5 *the United Nations Human Rights Council.*

6 (b) *CERTIFICATION.*—*The annual certification referred*
7 *to in subsection (a) is a certification made by the Secretary*
8 *to Congress that—*

9 (1) *the United Nations Human Rights Council’s*
10 *mandate from the United Nations General Assembly*
11 *explicitly and effectively prohibits candidacy for*
12 *Human Rights Council membership of a United Na-*
13 *tions Member State—*

14 (A) *subject to sanctions by the Security*
15 *Council; and*

16 (B) *under a Security Council-mandated in-*
17 *vestigation for human rights abuses;*

18 (2) *the United Nations Human Rights Council*
19 *does not include a United Nations Member State—*

20 (A) *subject to sanctions by the Security*
21 *Council;*

22 (B) *under a Security Council-mandated in-*
23 *vestigation for human rights abuses;*

24 (C) *which the Secretary of State has deter-*
25 *mined, for purposes of section 6(j) of the Export*

1 *Administration Act of 1979 (as continued in ef-*
2 *fect pursuant to the International Emergency*
3 *Economic Powers Act), section 40 of the Arms*
4 *Export Control Act, section 620A of the Foreign*
5 *Assistance Act of 1961, or other provision of law,*
6 *is a government that has repeatedly provided*
7 *support for acts of international terrorism; or*

8 *(D) which the President has designated as*
9 *a country of particular concern for religious free-*
10 *dom under section 402(b) of the International*
11 *Religious Freedom Act of 1998; and*

12 *(3) the United Nations Human Rights Council's*
13 *agenda or programme of work does not include a per-*
14 *manent item with regard to the State of Israel.*

15 *(c) SPECIAL PROCEDURES.—The Secretary of State*
16 *shall withhold from a United States contribution each year*
17 *to a regular budget of the United Nations an amount that*
18 *is equal to the percentage of such contribution that the Sec-*
19 *retary determines would be allocated by the United Nations*
20 *to support the United Nations “Special Rapporteur on the*
21 *situation of human rights in Palestinian territories occu-*
22 *ped since 1967”, and any other United Nations Human*
23 *Rights Council “Special Procedures” used to display bias*
24 *against the United States or the State of Israel or to provide*

1 *support for the government of any United Nations Member*
2 *State—*

3 *(1) subject to sanctions by the Security Council;*

4 *(2) under a Security Council-mandated inves-*
5 *tigation for human rights abuses;*

6 *(3) which the Secretary of State has determined,*
7 *for purposes of section 6(j) of the Export Administra-*
8 *tion Act of 1979 (as continued in effect pursuant to*
9 *the International Emergency Economic Powers Act),*
10 *section 40 of the Arms Export Control Act, section*
11 *620A of the Foreign Assistance Act of 1961, or other*
12 *provision of law, is a government that has repeatedly*
13 *provided support for acts of international terrorism;*
14 *or*

15 *(4) which the President has designated as a*
16 *country of particular concern for religious freedom*
17 *under section 402(b) of the International Religious*
18 *Freedom Act of 1998.*

19 *(d) REVERSION OF FUNDS.—Funds appropriated for*
20 *use as a United States contribution to the United Nations*
21 *but withheld from obligation and expenditure pursuant to*
22 *this section shall immediately revert to the United States*
23 *Treasury and shall not be considered arrears to be repaid*
24 *to any United Nations Entity.*

1 **TITLE VI—GOLDSTONE REPORT**

2 **SEC. 601. FINDINGS.**

3 *Congress finds the following:*

4 (1) *On January 12, 2009, the United Nations*
5 *Human Rights Council passed Resolution A/HRC/S-*
6 *9/L.1, which authorized a “fact-finding mission” re-*
7 *garding Israel’s conduct of Operation Cast Lead*
8 *against violent militants in the Gaza Strip between*
9 *December 27, 2008, and January 18, 2009.*

10 (2) *The resolution pre-judged the outcome of its*
11 *investigation by one-sidedly mandating the “fact-*
12 *finding mission” to “investigate all violations of*
13 *international human rights law and International*
14 *Humanitarian Law by . . . Israel, against the Pales-*
15 *tinian people . . . particularly in the occupied Gaza*
16 *Strip, due to the current aggression”.*

17 (3) *The mandate of the “fact-finding mission”*
18 *makes no mention of the relentless rocket and mortar*
19 *attacks, which numbered in the thousands and*
20 *spanned a period of eight years, by Hamas and other*
21 *violent militant groups in Gaza against civilian tar-*
22 *gets in Israel, that necessitated Israel’s defensive*
23 *measures.*

24 (4) *The “fact-finding mission” included a mem-*
25 *ber who, before joining the mission, had already de-*

1 *clared Israel guilty of committing atrocities in Oper-*
2 *ation Cast Lead by signing a public letter on Janu-*
3 *ary 11, 2009, published in the Sunday Times, that*
4 *called Israel’s actions “war crimes”.*

5 *(5) The mission’s flawed and biased mandate*
6 *gave serious concern to many United Nations Human*
7 *Rights Council Member States which refused to sup-*
8 *port it, including Bosnia and Herzegovina, Cam-*
9 *eroon, Canada, France, Germany, Italy, Japan, the*
10 *Netherlands, the Republic of Korea, Slovakia, Slo-*
11 *venia, Switzerland, Ukraine, and the United King-*
12 *dom of Great Britain and Northern Ireland.*

13 *(6) The mission’s flawed and biased mandate*
14 *was never broadened or revised by any plenary meet-*
15 *ing of the United Nations Human Rights Council,*
16 *and troubled many distinguished individuals who re-*
17 *fused invitations to head the mission.*

18 *(7) On September 15, 2009, the “United Nations*
19 *Fact Finding Mission on the Gaza Conflict” released*
20 *its report, which is commonly referred to as the*
21 *“Goldstone Report”.*

22 *(8) The Goldstone Report repeatedly made*
23 *sweeping and unsubstantiated determinations that the*
24 *Israeli military had deliberately attacked civilians*
25 *during Operation Cast Lead.*

1 (9) *The authors of the Goldstone Report admit*
2 *that we did not deal with the issues . . . “regarding*
3 *the problems of conducting military operations in ci-*
4 *vilian areas and second-guessing decisions made by*
5 *soldiers and their commanding officers in the fog of*
6 *war”.*

7 (10) *In the October 16, 2009 edition of the Jew-*
8 *ish Daily Forward, Richard Goldstone, the head of*
9 *the “United Nations Fact Finding Mission on the*
10 *Gaza Conflict”, is quoted as saying, with respect to*
11 *the mission’s evidence-collection methods, “If this was*
12 *a court of law, there would have been nothing prov-*
13 *en”.*

14 (11) *The Goldstone Report, in effect, denied the*
15 *State of Israel the right to self-defense, and never*
16 *noted the fact that Israel had the right to defend its*
17 *citizens from the repeated violent attacks committed*
18 *against civilian targets in southern Israel by Hamas*
19 *and other Foreign Terrorist Organizations operating*
20 *from Gaza.*

21 (12) *The Goldstone Report largely ignored the*
22 *culpability of the Government of Iran and the Gov-*
23 *ernment of Syria, both of whom sponsor Hamas and*
24 *other Foreign Terrorist Organizations.*

1 (13) *The Goldstone Report usually considered*
2 *public statements made by Israeli officials not to be*
3 *credible, while frequently giving uncritical credence to*
4 *statements taken from what it called the “Gaza au-*
5 *thorities”, i.e., the Gaza leadership of Hamas.*

6 (14) *Notwithstanding a great body of evidence*
7 *that Hamas and other violent Islamist groups com-*
8 *mitted war crimes by using civilians and civilian in-*
9 *stitutions, such as mosques, schools, and hospitals, as*
10 *shields, the Goldstone Report repeatedly downplayed*
11 *or cast doubt upon that claim.*

12 (15) *In one notable instance, the Goldstone Re-*
13 *port stated that it did not consider the admission of*
14 *a Hamas official that Hamas often “created a human*
15 *shield of women, children, the elderly and the*
16 *mujahideen, against [the Israeli military]” specifi-*
17 *cally to “constitute evidence that Hamas forced Pales-*
18 *tinian civilians to shield military objectives against*
19 *attack”.*

20 (16) *Hamas was able to significantly shape the*
21 *findings of the investigation mission’s Goldstone Re-*
22 *port by selecting and prescreening some of the wit-*
23 *nesses and intimidating others, as the Goldstone Re-*
24 *port acknowledges when it notes that “those inter-*
25 *viewed in Gaza appeared reluctant to speak about the*

1 *presence of or conduct of hostilities by the Palestinian*
2 *armed groups . . . from a fear of reprisals”.*

3 *(17) Even though Israel is a vibrant democracy*
4 *with a vigorous and free press, the Goldstone Report*
5 *erroneously asserts that “actions of the Israeli govern-*
6 *ment . . . have contributed significantly to a political*
7 *climate in which dissent with the government and its*
8 *actions . . . is not tolerated”.*

9 *(18) The Goldstone Report recommended that the*
10 *United Nations Human Rights Council endorse its*
11 *recommendations, implement them, review their im-*
12 *plementation, and refer the report to the United Na-*
13 *tions Security Council, the Prosecutor of the Inter-*
14 *national Criminal Court, and the United Nations*
15 *General Assembly for further action.*

16 *(19) The Goldstone Report recommended that the*
17 *United Nations Security Council—*

18 *(A) require the Government of Israel to*
19 *launch further investigations of its conduct dur-*
20 *ing Operation Cast Lead and report back to the*
21 *Security Council within six months;*

22 *(B) simultaneously appoint an “inde-*
23 *pendent committee of experts” to monitor and re-*
24 *port on any domestic legal or other proceedings*

1 *undertaken by the Government of Israel within*
2 *that 6-month period; and*

3 *(C) refer the case to the Prosecutor of the*
4 *International Criminal Court after that 6-month*
5 *period.*

6 *(20) The Goldstone Report recommended that the*
7 *United Nations General Assembly consider further ac-*
8 *tion on the report and establish an escrow fund, to be*
9 *funded entirely by the State of Israel, to “pay ade-*
10 *quate compensation to Palestinians who have suffered*
11 *loss and damage” during Operation Cast Lead.*

12 *(21) The Goldstone Report ignored the issue of*
13 *compensation to Israelis who have been killed or*
14 *wounded, or suffered other loss and damage, as a re-*
15 *sult of years of past and continuing rocket and mor-*
16 *tar attacks by Hamas and other violent militant*
17 *groups in Gaza against civilian targets in southern*
18 *Israel.*

19 *(22) The Goldstone Report recommended “that*
20 *States Parties to the Geneva Conventions of 1949*
21 *start criminal investigations [of Operation Cast*
22 *Lead] in national courts, using universal jurisdic-*
23 *tion” and that “following investigation, alleged per-*
24 *petrators should be arrested and prosecuted”.*

1 (23) *The concept of “universal jurisdiction” has*
2 *frequently been used in attempts to detain, charge,*
3 *and prosecute Israeli and United States officials and*
4 *former officials in connection with unfounded allega-*
5 *tions of war crimes and has often unfairly impeded*
6 *the travel of those individuals.*

7 (24) *On September 20, 2009, United Nations*
8 *High Commissioner for Human Rights Navanethem*
9 *Pillay wrote, “I lend my full support to Justice*
10 *Goldstone’s report and its recommendations”.*

11 (25) *The State of Israel, like many other free de-*
12 *mocracies, has an independent judicial system with a*
13 *robust investigatory capacity and has already*
14 *launched numerous investigations, many of which re-*
15 *main ongoing, of Operation Cast Lead and indi-*
16 *vidual incidents therein.*

17 (26) *Several nations have indicated that they in-*
18 *tend to further pursue consideration of the Goldstone*
19 *Report and implementation of its recommendations*
20 *by the United Nations Security Council, the United*
21 *Nations General Assembly, the United Nations*
22 *Human Rights Council, and other multilateral fora.*

23 (27) *On September 30, 2009, Secretary of State*
24 *Hillary Clinton described the underlying mandate for*
25 *the Goldstone Report as “one-sided”.*

1 (28) *On September 17, 2009, Ambassador Susan*
2 *Rice, United States Permanent Representative to the*
3 *United Nations, expressed the United States’ “very se-*
4 *rious concern with the mandate” underlying the*
5 *Goldstone Report and noted that the United States*
6 *views the mandate “as unbalanced, one-sided and ba-*
7 *sically unacceptable”.*

8 (29) *Israeli President Shimon Peres has called*
9 *the Goldstone Report a “blood libel”.*

10 (30) *The Goldstone Report reflects the long-*
11 *standing, historic bias at the United Nations against*
12 *the democratic, Jewish State of Israel.*

13 (31) *The Goldstone Report is being exploited by*
14 *Israel’s enemies to excuse the actions of violent mili-*
15 *tant groups and their state sponsors, and to justify*
16 *isolation of and punitive measures against the demo-*
17 *cratic, Jewish State of Israel.*

18 (32) *On November 3, 2009, the House of Rep-*
19 *resentatives overwhelmingly adopted House Resolu-*
20 *tion 867, which stated that the House of Representa-*
21 *tives:*

22 (A) *“considers the [Goldstone Report] to be*
23 *irredeemably biased and unworthy of further*
24 *consideration or legitimacy”;*

1 (B) “supports the Administration’s efforts
2 to combat anti-Israel bias at the United Nations,
3 its characterization of the [Goldstone Report] as
4 ‘unbalanced, one-sided and basically unacceptable’,
5 and its opposition to the resolution on the
6 report”;

7 (C) “calls on the President and the Sec-
8 retary of State to continue to strongly and un-
9 equivocally oppose any endorsement of the
10 [Goldstone Report] in multilateral fora, includ-
11 ing through leading opposition to any United
12 Nations General Assembly resolution and
13 through vetoing, if necessary, any United Na-
14 tions Security Council resolution that endorses
15 the contents of this report, seeks to act upon the
16 recommendations contained in this report, or
17 calls on any other international body to take fur-
18 ther action regarding this report”;

19 (D) “calls on the President and the Sec-
20 retary of State to strongly and unequivocally op-
21 pose any further consideration of the ‘Report of
22 the United Nations Fact Finding Mission on the
23 Gaza Conflict’ and any other measures stemming
24 from this report in multilateral fora”; and

1 (E) “reaffirms its support for the demo-
2 cratic, Jewish State of Israel, for Israel’s security
3 and right to self-defense, and, specifically, for
4 Israel’s right to defend its citizens from violent
5 militant groups and their state sponsors”.

6 (33) On October 16, 2009, the United Nations
7 Human Rights Council voted 25–6 (with 11 Member
8 States abstaining and 5 not voting, and with the
9 United States voting against) to adopt resolution A-
10 HRC-S-12-1, which endorsed the Goldstone Report
11 and condemned Israel, without mentioning Hamas,
12 other such violent militant groups, or their state
13 sponsors. The United States voted against the resolu-
14 tion.

15 (34) On November 5, 2009, the United Nations
16 General Assembly voted 114–18 (with 44 Member
17 States abstaining, and with the United States voting
18 against) to adopt resolution A/RES/64/10, which,
19 among other things:

20 (A) endorsed the United Nations Human
21 Rights Council’s resolution A-HRC-S-12-1,
22 which endorsed the Goldstone Report and con-
23 demned Israel, without mentioning Hamas, other
24 such violent militant groups, or their state spon-
25 sors;

1 (B) requested that the Secretary General of
2 the United Nations transmit the Goldstone Re-
3 port to the United Nations Security Council;

4 (C) expressed its “appreciation” to the
5 “United Nations Fact-Finding Mission on the
6 Gaza Conflict” for its “comprehensive report”;

7 (D) expressed grave concern regarding “re-
8 ports regarding serious human rights violations”
9 during Operation Cast Lead, including the find-
10 ings in the Goldstone Report; and

11 (E) recommended “that the Government of
12 Switzerland, in its capacity as depositary of the
13 Geneva Convention relative to the Protection of
14 Civilian Persons in Time of War, undertake as
15 soon as possible the steps necessary to reconvene
16 a Conference of High Contracting Parties to the
17 Fourth Geneva Convention on measures to en-
18 force the Convention” in the West Bank, the
19 Gaza Strip, and “East Jerusalem”.

20 (35) On February 26, 2010, the United Nations
21 General Assembly voted 98–7 (with 31 Member States
22 abstaining, and with the United States voting
23 against) to adopt resolution A/RES/64/254, which
24 built on the determinations of A/RES/64/10.

1 (36) On March 24, 2010, the United Nations
2 Human Rights Council voted 29–6 (with 11 Member
3 States abstaining and one not voting, and with the
4 United States voting against) to adopt resolution A/
5 HRC/13/L.30, which, among other things—

6 (A) called upon “all concerned parties, in-
7 cluding United Nations bodies, to ensure their
8 implementation of the recommendations con-
9 tained in the [Goldstone Report]”;

10 (B) requested that the United Nations High
11 Commissioner for Human Rights submit a
12 “progress report on the implementation of the
13 present resolution to the [Human Rights] Coun-
14 cil at its fourteenth session” in May and June
15 2010; and

16 (C) decided to “follow up on the implemen-
17 tation of the present resolution at [the] fifteenth
18 session” of the Human Rights Council in Sep-
19 tember 2010.

20 (37) On March 25, 2011, the United Nations
21 Human Rights Council voted 27–3 (with 16 Member
22 States abstaining, and with the United States voting
23 against) to adopt resolution A/HRC/16/L.31, which,
24 among other things—

1 (A) called upon “all concerned parties, in-
2 cluding United Nations bodies, to ensure the full
3 and immediate implementation of the rec-
4 ommendations contained in the [Goldstone Re-
5 port]”;

6 (B) recommended that the United Nations
7 General Assembly again consider the Goldstone
8 Report at its sixty-sixth session, and urged the
9 General Assembly to submit the report to the
10 United Nations Security Council “for its consid-
11 eration and appropriate action,” including refer-
12 ral to the prosecutor of the International Crimi-
13 nal Court;

14 (C) requested that the United Nations High
15 Commissioner for Human Rights submit a
16 “progress report on the implementation of the
17 present resolution to the Human Rights Council
18 at its eighteenth session of September 2011”; and

19 (D) decided to “follow up on the implemen-
20 tation of the present resolution at [the] nine-
21 teenth session [of the Human Rights Council] of
22 March 2012”.

23 (38) On April 1, 2011, Richard Goldstone, the
24 head of the “United Nations Fact Finding Mission on
25 the Gaza Conflict” that authored the Goldstone Re-

1 *port, wrote an op-ed in the Washington Post that re-*
2 *nounced the Goldstone Report’s claim that the Israeli*
3 *military deliberately attacked civilians during Oper-*
4 *ation Cast Lead. Goldstone wrote that the Israeli*
5 *military’s investigations with respect to incidents in*
6 *Operation Cast Lead “indicate that civilians were not*
7 *intentionally targeted as a matter of policy”.*

8 *(39) Efforts to delegitimize the democratic State*
9 *of Israel and deny it the right to defend its citizens*
10 *and its existence can be used to delegitimize other de-*
11 *mocracies and deny them the same right.*

12 **SEC. 602. STATEMENT OF POLICY.**

13 *It is the policy of the United States to—*

14 *(1) consider the Goldstone Report irredeemably*
15 *biased and unworthy of further consideration or legit-*
16 *imacy;*

17 *(2) strongly and unequivocally oppose any con-*
18 *sideration, legitimization, or endorsement of the*
19 *Goldstone Report, or any other measures stemming*
20 *from this report, in multilateral fora;*

21 *(3) lead a high-level diplomatic campaign in*
22 *support of the revocation and repudiation, by the*
23 *United Nations General Assembly, of the Goldstone*
24 *Report and any United Nations resolutions stemming*
25 *from the report, including:*

1 (A) *United Nations General Assembly reso-*
2 *lutions A/RES/64/10 and A/RES/64/254; and*

3 (B) *United Nations Human Rights Council*
4 *resolutions A-HRC-S-12-1, A/HRC/13/L.30,*
5 *and A/HRC/16/L.31; and*

6 (4) *lead a high-level diplomatic effort to encour-*
7 *age other responsible countries not to endorse, sup-*
8 *port, or legitimize the Goldstone Report or any other*
9 *measures stemming from the report.*

10 **SEC. 603. WITHHOLDING OF FUNDS; REFUND OF UNITED**
11 **STATES TAXPAYER DOLLARS.**

12 (a) *WITHHOLDING OF FUNDS.—The Secretary of State*
13 *shall withhold from the United States contribution to the*
14 *regular budget of the United Nations an amount that is*
15 *equal to the percentage of such contribution that the Sec-*
16 *retary determines would be or has been expended by the*
17 *United Nations for any part of the Goldstone Report or its*
18 *preparatory or follow-on activities.*

19 (b) *REFUND OF UNITED STATES TAXPAYER DOL-*
20 *LARS.—Funds appropriated for use as a United States con-*
21 *tribution to the regular budget of the United Nations but*
22 *withheld from obligation and expenditure pursuant to sub-*
23 *section (a) shall immediately revert to the United States*
24 *Treasury and shall not be considered arrears to be repaid*
25 *to any United Nations Entity.*

1 **TITLE VII—DURBAN PROCESS**

2 **SEC. 701. FINDINGS.**

3 *Congress makes the following findings:*

4 (1) *The United States is opposed to racism, ra-*
5 *cial discrimination, xenophobia, and related intoler-*
6 *ance, and has long been a party to the Convention on*
7 *the Elimination of Racial Discrimination.*

8 (2) *Expensive and politically skewed inter-*
9 *national conferences can disserve and undermine the*
10 *worthy goals that they are ostensibly convened to sup-*
11 *port.*

12 (3) *The goals of the 2001 United Nations World*
13 *Conference Against Racism—held in Durban, South*
14 *Africa, and commonly referred to as “Durban I”—*
15 *were undermined by hateful, anti-Jewish rhetoric,*
16 *and anti-Israel political agendas, prompting both*
17 *Israel and the United States to withdraw their dele-*
18 *gations from the Conference.*

19 (4) *The official government declaration adopted*
20 *by Durban I, the “Durban Declaration and Program*
21 *of Action”, focused on the “plight of the Palestinian*
22 *people under foreign occupation”, and thereby singled*
23 *out one regional conflict for discussion and implicitly*
24 *launched a false accusation against Israel of intoler-*
25 *ance towards the Palestinians.*

1 (5) *On September 3, 2001, Secretary of State*
2 *Colin Powell explained the withdrawal of the United*
3 *States delegation from Durban I by stating that “you*
4 *do not combat racism by conferences that produce dec-*
5 *larations containing hateful language, some of which*
6 *is a throwback to the ‘days of Zionism’ equals racism;*
7 *or supports the idea that we have made too much of*
8 *the Holocaust; or suggests that apartheid exists in*
9 *Israel; or that singles out only one country in the*
10 *world—Israel—for censure and abuse”.*

11 (6) *The late United States Representative Tom*
12 *Lantos, who participated as a member of the United*
13 *States delegation to the Durban Conference, supported*
14 *that delegation’s withdrawal and wrote in 2002 that*
15 *the conference “provided the world with a glimpse*
16 *into the abyss of international hate, discrimination*
17 *and, indeed, racism”.*

18 (7) *On December 19, 2006, the United Nations*
19 *General Assembly approved a resolution initiating*
20 *preparations for a Durban Review Conference (com-*
21 *monly referred to as “Durban II”), which was held*
22 *between April 20 and 24, 2009, in Geneva, Switzer-*
23 *land.*

1 (8) *The chair of the preparatory committee for*
2 *Durban II was Libya, and the co-chairs included*
3 *Iran and Cuba.*

4 (9) *Throughout the preparatory process for Dur-*
5 *ban II, member states of the Organization of the Is-*
6 *lamic Conference urged that the conference again*
7 *focus criticism on Israel and single out the Israeli-*
8 *Palestinian conflict for discussion, and also urged*
9 *that the conference advocate global speech codes that*
10 *would impose restrictions contrary to fundamental*
11 *freedoms recognized in the provisions of the Universal*
12 *Declaration of Human Rights.*

13 (10) *In testimony before the House of Represent-*
14 *atives on April 2, 2008, then-Assistant Secretary of*
15 *State for International Organizations Kristen*
16 *Silverberg stated that the United States had decided*
17 *against participating in preparatory activities for*
18 *Durban II because “[there is] absolutely no case to be*
19 *made for participating in something that is going to*
20 *be a repeat of Durban I. We don’t have any con-*
21 *fidence that this will be any better than Durban I’.*

22 (11) *On September 23, 2008, the House of Rep-*
23 *resentatives passed House Resolution 1361, which,*
24 *among other things, called on the President to “urge*
25 *other heads of state to condition participation in the*

1 2009 [Durban II] Conference on concrete action by
2 the United Nations and United Nations Member
3 States to ensure that it is not a forum to demonize
4 any group, or incite anti-Semitism, hatred, or vio-
5 lence against members of any group or to call into
6 question the existence of any state” and urged all
7 United Nations Member States “not to support a
8 2009 Durban Review Conference process that fails to
9 adhere to established human rights standards and to
10 reject an agenda that incites hatred against any
11 group in the guise of criticism of a particular govern-
12 ment or that seeks to forge a global blasphemy code”.

13 (12) The present United Nations High Commis-
14 sioner for Human Rights, Dr. Navanethem Pillay,
15 who served as Secretary General of Durban II, has re-
16 peatedly sought to downplay the level of hateful, anti-
17 Jewish rhetoric and anti-Israel political agendas
18 present at Durban I, describing it as merely “the vir-
19 ulent anti-Semitic behavior of a few non-govern-
20 mental organizations on the sidelines” and praising
21 the biased 2001 Durban Declaration and Programme
22 of Action as “[t]he legacy of this Conference”, has re-
23 peatedly sought to downplay the level of hateful, anti-
24 Jewish rhetoric and anti-Israel political agendas
25 present at Durban II and its preparatory activities,

1 *and has repeatedly praised and urged the full imple-*
2 *mentation of the Durban Declaration and Programme*
3 *of Action.*

4 (13) *High Commissioner Pillay has repeatedly*
5 *and publicly criticized nations, including the United*
6 *States, which announced that they would not partici-*
7 *pate in Durban II, but has almost never publicly*
8 *criticized governments who succeeded in using the*
9 *conference and its preparatory activities to single out*
10 *Israel for criticism and to attempt to restrict funda-*
11 *mental freedoms.*

12 (14) *A United Nations press release on Sep-*
13 *tember 8, 2008, regarding an address by High Com-*
14 *missioner Pillay, disturbingly dismissed objections*
15 *raised by non-governmental organizations to Durban*
16 *II as “ferocious, and often distorted, criticism by cer-*
17 *tain lobby groups focused on single issues”.*

18 (15) *During February of 2009, the United States*
19 *actively participated in intergovernmental consulta-*
20 *tions on Durban II’s “draft outcome document” and*
21 *engaged in high-level diplomatic efforts to dramati-*
22 *cally reverse the path of Durban II by directing it to-*
23 *wards meaningful efforts to combat intolerance and*
24 *bigotry and directing it away from efforts to under-*
25 *mine the cause of fighting discrimination through*

1 *singling out Israel for implicit criticism and calling*
2 *for restrictions on fundamental freedoms.*

3 (16) *On February 27, 2009, a State Department*
4 *spokesman stated that, despite United States efforts to*
5 *redirect the path of Durban II, “the document being*
6 *negotiated has gone from bad to worse, and the cur-*
7 *rent text of the draft outcome document is not sal-*
8 *vageable . . . A conference based on this text would*
9 *be a missed opportunity to speak clearly about the*
10 *persistent problem of racism” and therefore, the*
11 *United States would not participate in further con-*
12 *sultations and negotiations regarding the “draft out-*
13 *come document,” and would not participate in Dur-*
14 *ban II itself unless the “draft outcome document” was*
15 *radically shortened and revised to eliminate objection-*
16 *able material.*

17 (17) *On April 17, 2009, the third and final ses-*
18 *sion of the preparatory committee for Durban II pro-*
19 *posed a final “draft outcome document” that con-*
20 *tained a number of provisions advocating restrictions*
21 *on freedom of expression, and that also implicitly sin-*
22 *gled out and criticized Israel for racism by reaffirm-*
23 *ing, in its very first paragraph, the 2001 Durban*
24 *Declaration and Programme of Action.*

1 (18) *On April 18, 2009, a State Department*
2 *spokesman announced that “the United States will*
3 *not join the [Durban II] conference”, noting that*
4 *“The current document . . . still contains language*
5 *that reaffirms in toto the Durban Declaration and*
6 *Programme of Action (DDPA) from 2001, which the*
7 *United States has long said it is unable to support*
8 *. . . The United States also has serious concerns with*
9 *relatively new additions to the text regarding ‘incite-*
10 *ment’, that run counter to the U.S. commitment to*
11 *unfettered free speech.”.*

12 (19) *On April 19, 2009, the President stated at*
13 *a press conference that “I would love to be involved*
14 *in a useful conference that addressed continuing*
15 *issues of racism and discrimination around the globe*
16 *. . . we expressed in the run-up to this conference our*
17 *concerns that if you incorporated—if you adopted all*
18 *the language from 2001, that’s just not something we*
19 *could sign up for . . . our participation would have*
20 *involved putting our imprimatur on something that*
21 *we just don’t believe . . . Hopefully . . . we can part-*
22 *ner with other countries on to actually reduce dis-*
23 *crimination around the globe. But this wasn’t an op-*
24 *portunity to do it.”.*

1 (20) *Canada, Israel, Italy, Germany, the Nether-*
2 *lands, Poland, Australia, and New Zealand also did*
3 *not participate in Durban II, and the Czech Republic*
4 *walked out of the Conference during its proceedings,*
5 *never to return.*

6 (21) *Libya was the chair of the Main Committee*
7 *of Durban II, and vice presidents of Durban II in-*
8 *cluded Libya, Iran, and Cuba.*

9 (22) *Speaking at Durban II on April 20, 2009,*
10 *Iranian leader Mahmoud Ahmadinejad called the*
11 *democratic State of Israel “totally racist” and “the*
12 *most cruel and repressive racist regime”, and called*
13 *for Israel’s destruction, stating that “Efforts must be*
14 *made to put an end to the abuse by Zionists . . .*
15 *Governments must be encouraged and supported in*
16 *their fights aimed at eradicating this barbaric rac-*
17 *ism”.*

18 (23) *In his speech at Durban II, Ahmadinejad*
19 *also propagated anti-Semitic conspiracy theories, say-*
20 *ing that “Those who control huge economic resources*
21 *and interests in the world . . . mobilize all the re-*
22 *sources, including their economic and political influ-*
23 *ence and world media, to render support in vain to*
24 *the Zionist regime”.*

1 (24) *Disgusted by Ahmadinejad’s biased and in-*
2 *flammatory statements, delegates from about two dozen*
3 *nations walked out of the assembly hall in protest, but*
4 *most delegations remained, and a large number of*
5 *delegations and observers repeatedly applauded*
6 *Ahmadinejad’s remarks.*

7 (25) *On April 21, 2009, governments partici-*
8 *pating in Durban II adopted by consensus an “out-*
9 *come document” that contained a number of provi-*
10 *sions advocating restrictions on freedom of expression,*
11 *and that also implicitly singled out and criticized*
12 *Israel for racism by reaffirming, in its very first*
13 *paragraph, the 2001 Durban Declaration and Pro-*
14 *gram of Action.*

15 (26) *Throughout Durban II, many speakers sin-*
16 *gled out Israel for criticism or called for restrictions*
17 *on fundamental freedoms, including representatives of*
18 *Iran, Libya, Cuba, Sudan, Syria, Venezuela, Viet-*
19 *nam, Saudi Arabia, Pakistan, Indonesia, Qatar, Al-*
20 *geria, the United Arab Emirates, Kuwait, Egypt,*
21 *Lebanon, Yemen, Bahrain, Tunisia, Bangladesh,*
22 *Switzerland, the Organization of the Islamic Con-*
23 *ference, the Arab League, the Palestine Liberation Or-*
24 *ganization, and a number of other organizations and*
25 *countries.*

1 (27) *During Durban II, several speakers who*
2 *sought to draw attention to genuine instances of rac-*
3 *ism, racial discrimination, xenophobia, related intol-*
4 *erance, and human rights violations by the govern-*
5 *ments of Iran, Libya, and China were repeatedly in-*
6 *terrupted by the delegations from those governments*
7 *and instructed by the conference’s chair to not refer*
8 *specifically to those governments.*

9 (28) *On December 18, 2009, the United Nations*
10 *General Assembly approved Resolution A/RES/64/*
11 *148, which urged the “full and effective implementa-*
12 *tion of the Durban Declaration and Programme of*
13 *Action” and called for a “one-day plenary event to*
14 *commemorate the ten-year anniversary [of Durban I]*
15 *during the high-level segment of the General Assembly*
16 *to be devoted to racism, racial discrimination, xeno-*
17 *phobia, and related intolerance during its sixty-fifth*
18 *session, in 2011”. The United States, joined by 12*
19 *other nations, voted against this resolution.*

20 (29) *On December 24, 2010, the United Nations*
21 *General Assembly adopted Resolution A/RES/65/240,*
22 *authorizing the holding of a “one-day high-level meet-*
23 *ing of the General Assembly to commemorate the*
24 *tenth anniversary of the adoption of the Durban Dec-*
25 *laration and Programme of Action, at the level of*

1 *Heads of State and Government, on the second day*
2 *of the general debate of the sixty-sixth session” in*
3 *September of 2011. The resolution also states that the*
4 *meeting (commonly referred to as “Durban III”) will*
5 *adopt a “political declaration aimed at mobilizing*
6 *political will at the national, regional, and inter-*
7 *national levels for the full and effective implementa-*
8 *tion of the Durban Declaration and Programme of*
9 *Action and its follow-up processes.”. The resolution*
10 *also requests that the United Nations Secretary Gen-*
11 *eral “establish a programme of outreach, with the in-*
12 *volvement of Member States and United Nations*
13 *funds and programmes as well as civil society, in-*
14 *cluding non-governmental organizations, to appro-*
15 *priately commemorate the tenth anniversary of the*
16 *adoption of the Durban Declaration and Programme*
17 *of Action.” The resolution also requests that “the Of-*
18 *fice of the United Nations High Commissioner for*
19 *Human Rights and the Department of Public Infor-*
20 *mation of the Secretariat . . . launch a public infor-*
21 *mation campaign for the commemoration of the tenth*
22 *anniversary of the adoption of the Durban Declara-*
23 *tion and Programme of Action”. The United States,*
24 *joined by 21 other nations, voted against this resolu-*
25 *tion.*

1 (30) *The Government of Canada announced that*
2 *it would not participate in the Durban III meeting.*
3 *Canadian Minister of Citizenship, Immigration, and*
4 *Multiculturalism Jason Kenney stated that “Our gov-*
5 *ernment has lost faith in the entire tainted Durban*
6 *process. Canada will not participate in this charade*
7 *any longer. We will not lend our country’s good name*
8 *to a commemoration of what has widely been charac-*
9 *terized as a hatefest . . . Canada is clearly committed*
10 *to the fight against racism, but the Durban process*
11 *commemorates an agenda that actually promotes rac-*
12 *ism rather than combats it.”.*

13 (31) *The Government of Israel announced that it*
14 *would not participate in the Durban III meeting,*
15 *stating that “Israel is part of the international strug-*
16 *gle against racism. The Jewish people was itself a*
17 *victim of racism throughout history. Israel regrets*
18 *that a resolution on an important subject—elimi-*
19 *nation of racism—has been diverted and politicized*
20 *by the automatic majority at the UN, by linking it*
21 *to the Durban Declaration and Programme of Action*
22 *(2001) that many states would prefer to forget. The*
23 *Durban Conference of 2001, with its antisemitic un-*
24 *dertones and displays of hatred for Israel and the*
25 *Jewish World, left us with scars that will not heal*

1 *quickly . . . Under the present circumstances, as long*
2 *as the [Durban III] meeting is defined as part of the*
3 *infamous ‘Durban process’, Israel will not participate*
4 *. . .”.*

5 *(32) On June 2, 2011, the United States publicly*
6 *announced that it would not participate in the Dur-*
7 *ban III meeting. The Department of State’s deputy*
8 *spokesman stated that the “Durban process includes*
9 *displays of intolerance and anti-Semitism, and we*
10 *don’t want to see that commemorated. In our con-*
11 *versations about this commemoration, we’ve not seen*
12 *the kind of progress that we think is indicative. We*
13 *remain unconvinced that the conference is moving in*
14 *a new direction.”.*

15 *(33) The Governments of Australia, Austria,*
16 *Bulgaria, the Czech Republic, France, Germany,*
17 *Italy, Latvia, the Netherlands, New Zealand, Poland,*
18 *and the United Kingdom also did not participate in*
19 *the Durban III meeting.*

20 *(34) On September 22, 2011, at the Durban III*
21 *meeting, the United Nations General Assembly adopt-*
22 *ed Resolution A/RES/66/3, a “political declaration”*
23 *which “[r]eaffirm[ed] that the Durban Declaration*
24 *and Programme of Action... and the outcome docu-*
25 *ment of [Durban II]. . . are a comprehensive United*

1 *Nations framework and solid foundation for com-*
2 *bating racism, racial discrimination, xenophobia,*
3 *and related intolerance”, “[r]ecall[ed] that the aim of*
4 *[Durban III] is to mobilize political will at the na-*
5 *tional, regional and international levels and reaffirm*
6 *our political commitment to the full and effective im-*
7 *plementation of the Durban Declaration and Pro-*
8 *gramme of Action and the outcome document of [Dur-*
9 *ban II], and their follow-up processes, at all these lev-*
10 *els”, and “welcome[d] the continued engagement of*
11 *the United Nations High Commissioner for Human*
12 *Rights to incorporate the implementation of the Dur-*
13 *ban Declaration and Programme of Action into the*
14 *United Nations system”.*

15 *(35) On September 22, 2011, the White House*
16 *Press Secretary stated that “Since its inception. . .*
17 *the Durban process has included ugly displays of in-*
18 *tolerance and anti-Semitism. . . Last December, the*
19 *United States voted against the resolution establishing*
20 *[Durban III] because we did not want to see the hate-*
21 *ful and anti-Semitic displays of the 2001 Durban*
22 *Conference commemorated. Over the last few months,*
23 *we did not participate in negotiations on [Durban*
24 *III’s] Political Declaration document and, like many*
25 *other countries, we were not present when the Dec-*

1 *laration was adopted. We are also deeply dis-*
2 *appointed that the rules established for credentialing*
3 *non-governmental organizations to participate were*
4 *used by some delegations to silence voices critical of*
5 *the Durban process.”.*

6 *(36) Durban I, Durban II, Durban III, and*
7 *their preparatory and follow-on activities, have made*
8 *little or no demonstrable contribution to combating*
9 *racism, racial discrimination, xenophobia, and re-*
10 *lated intolerance.*

11 *(37) To date, several million dollars from the*
12 *United Nations regular budget has been expended on*
13 *Durban I, Durban II, Durban III, and their pre-*
14 *paratory and follow-on activities.*

15 *(38) The United States is the largest contributor*
16 *to the United Nations system, and is assessed for a*
17 *full 22 percent of the United Nations regular budget,*
18 *which is funded by assessed contributions from Mem-*
19 *ber States.*

20 *(39) Funding for Durban I, Durban II, Durban*
21 *III, and their preparatory and follow-on activities*
22 *through the United Nations regular budget has re-*
23 *sulted in United States taxpayer dollars being used*
24 *for those purposes.*

1 (40) Congress, through its adoption of the Con-
2 solidated Appropriations Act, 2008 (Public Law 110-
3 161) withheld from the United States assessed con-
4 tribution for fiscal year 2008 to the United Nations
5 regular budget an amount equivalent to the United
6 States share of the United Nations Human Rights
7 Council budget, including its share of the Council-ad-
8 ministered preparatory process for Durban II.

9 **SEC. 702. SENSE OF CONGRESS; STATEMENT OF POLICY.**

10 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
11 that—

12 (1) *the Durban I, Durban II, and Durban III*
13 *conferences, and their preparatory and follow-on ac-*
14 *tivities, were subverted by members of the Organiza-*
15 *tion of the Islamic Conference and irredeemably dis-*
16 *torted into a forum for anti-Israel, anti-Semitic, and*
17 *anti-freedom activity;*

18 (2) *by walking out of the Durban I conference,*
19 *and by not participating in the Durban II conference,*
20 *and announcing that it would not participate in the*
21 *Durban III meeting, the United States Government*
22 *upheld and reaffirmed the fundamental commitment*
23 *of the United States to combating racism, racial dis-*
24 *crimination, xenophobia, and related intolerance;*

1 (3) *the Governments of Canada, Israel, Italy,*
2 *Germany, the Netherlands, Poland, Australia, New*
3 *Zealand, and the Czech Republic should be com-*
4 *mended for their decision to not participate or cease*
5 *participation in the Durban II conference;*

6 (4) *the Governments of Australia, Austria, Bul-*
7 *garia, Canada, the Czech Republic, France, Germany,*
8 *Israel, Italy, Latvia, the Netherlands, Italy, New Zea-*
9 *land, Poland, and the United Kingdom should be*
10 *commended for their decision to not participate in*
11 *Durban III; and*

12 (5) *the Administration should expeditiously and*
13 *unequivocally announce that it will not participate*
14 *in, support, or legitimize any part of the Durban*
15 *process.*

16 (b) *STATEMENT OF POLICY.—It shall be the policy of*
17 *the United States to—*

18 (1) *lead a high-level diplomatic effort to encour-*
19 *age other responsible countries—*

20 (A) *not to participate in, support, legiti-*
21 *mize, or fund any part of the Durban process,*
22 *and*

23 (B) *to withhold from their respective con-*
24 *tributions to the regularly assessed biennial*
25 *budget of the United Nations an amount that is*

1 *equal to the percentage of such respective con-*
2 *tributions that they determine would be or has*
3 *been allocated by the United Nations for any*
4 *part of the Durban III meeting or its pre-*
5 *paratory or follow-on activities, or for any other*
6 *part of the Durban process; and*

7 (2) *lead a high-level diplomatic effort to explore*
8 *credible, alternative forums for combating racism, ra-*
9 *cial discrimination, xenophobia, and related intoler-*
10 *ance.*

11 **SEC. 703. NON-PARTICIPATION IN THE DURBAN PROCESS.**

12 *None of the funds made available in any provision of*
13 *law may be used for United States participation in any*
14 *part of the Durban process.*

15 **SEC. 704. WITHHOLDING OF FUNDS; REFUND OF UNITED**
16 **STATES TAXPAYER DOLLARS.**

17 (a) *WITHHOLDING OF FUNDS FOR THE DURBAN PROC-*
18 *ESS.—The Secretary of State shall withhold from the*
19 *United States contribution to the regular budget of the*
20 *United Nations an amount that is equal to the percentage*
21 *of such contribution that the Secretary determines would*
22 *be or has been expended by the United Nations for any part*
23 *of the Durban I or Durban II conferences, the Durban III*
24 *meeting, their preparatory or follow-on activities, or any*
25 *other part of the Durban process, including—*

1 (1) the “public information campaign for the
2 commemoration of the tenth anniversary of the adop-
3 tion of the Durban Declaration and Programme of
4 Action” requested by United Nations General Assem-
5 bly Resolution A.RES/65/240;

6 (2) the Intergovernmental Working Group on the
7 Effective Implementation of the Durban Declaration
8 and Programme of Action;

9 (3) the “group of independent eminent experts on
10 the implementation of the Durban Declaration and
11 Programme of Action”; and

12 (4) the Ad Hoc Committee on the Elaboration of
13 Complementary Standards.

14 (b) *WITHHOLDING OF FUNDS FOR OTHER BIASED AND*
15 *COMPROMISED ACTIVITIES.*—Until the Secretary of State
16 submits to the appropriate congressional committees a cer-
17 tification, on a case-by-case basis, that the requirements de-
18 scribed in subsection (d) have been satisfied, the United
19 States shall withhold from the United States contribution
20 to the regular budget of the United Nations an amount that
21 is equal to the percentage of such contribution that the Sec-
22 retary determines has been allocated by the United Nations
23 for any conference, meeting, or other multilateral forum, or
24 the preparatory or follow-on activities of any conference,
25 meeting, or other multilateral forum, that is organized

1 *under the aegis or jurisdiction of the United Nations or of*
2 *any United Nations Entity.*

3 (c) *REFUND OF UNITED STATES TAXPAYER DOL-*
4 *LARS.—*

5 (1) *IN GENERAL.—Funds appropriated for use*
6 *as a United States contribution to the regular budget*
7 *of the United Nations but withheld from obligation*
8 *and expenditure pursuant to subsection (a) shall im-*
9 *mediately revert to the United States Treasury and*
10 *shall not be considered arrears to be repaid to any*
11 *United Nations Entity.*

12 (2) *ALLOWANCE.—Funds appropriated for use as*
13 *a United States contribution to the regularly assessed*
14 *biennial budget of the United Nations but withheld*
15 *from obligation and expenditure pursuant to sub-*
16 *section (b) may be obligated and expended for that*
17 *purpose upon the certification described in subsection*
18 *(d). Such funds shall revert to the United States*
19 *Treasury if no such certification is made by the date*
20 *that is one year after such appropriation, and shall*
21 *not be considered arrears to be repaid to any United*
22 *Nations Entity.*

23 (d) *CERTIFICATION.—The certification referred to in*
24 *subsection (b) is a certification made by the Secretary of*

1 *State to the appropriate congressional committees con-*
2 *cerning the following:*

3 (1) *The specified conference, meeting, or other*
4 *multilateral forum did not reaffirm, call for the im-*
5 *plementation of, or otherwise support the Durban*
6 *Declaration and Programme of Action (2001) or the*
7 *outcome document of the Durban II conference (2009)*
8 *or the Durban III meeting (2011).*

9 (2) *The specified conference or forum was not*
10 *used to single out the United States or the State of*
11 *Israel for unfair or unbalanced criticism.*

12 (3) *The specified conference or forum was not*
13 *used to propagate racism, racial discrimination, anti-*
14 *Semitism, denial of the Holocaust, incitement to vio-*
15 *lence or genocide, xenophobia, or related intolerance.*

16 (4) *The specified conference or forum was not*
17 *used to advocate for restrictions on the freedoms of*
18 *speech, expression, religion, the press, assembly, or pe-*
19 *tition, or for restrictions on other fundamental*
20 *human rights and freedoms.*

21 (5) *The leadership of the specified conference or*
22 *forum does not include a Member State, or a rep-*
23 *resentative from a Member State—*

24 (A) *subject to sanctions by the Security*
25 *Council;*

1 (B) under a Security Council-mandated in-
2 vestigation for human rights abuses; or

3 (C) the government of which the Secretary
4 of State has determined, for purposes of section
5 6(j) of the Export Administration Act of 1979
6 (as continued in effect pursuant to the Inter-
7 national Emergency Economic Powers Act), sec-
8 tion 40 of the Arms Export Control Act, section
9 620A of the Foreign Assistance Act of 1961, or
10 other provision of law, is a government that has
11 repeatedly provided support for acts of inter-
12 national terrorism.

13 **TITLE VIII—UNRWA**

14 **SEC. 801. FINDINGS.**

15 Congress makes the following findings:

16 (1) United Nations General Assembly Resolution
17 302 (1949) created the United Nations Relief and
18 Works Agency for Palestine Refugees in the Near East
19 (UNRWA) with the temporary, strictly humanitarian
20 mandate to “carry out . . . direct relief and works
21 programmes” for Palestinian refugees.

22 (2) UNRWA has acknowledged that it is the
23 “only UN agency that reports directly to the UN Gen-
24 eral Assembly, and whose beneficiary population
25 stems from one nation-group”, and is responsible sole-

1 *ly for Palestinian refugees, while the United Nations*
2 *High Commissioner for Refugees (UNHCR) is respon-*
3 *sible for other refugees across the world.*

4 (3) *UNHCR’s definition of a refugee is, in ac-*
5 *cordance with the 1951 Convention Relating to the*
6 *Status of Refugees, any person who “owing to a well-*
7 *founded fear of being persecuted for reasons of race,*
8 *religion, nationality, membership of a particular so-*
9 *cial group, or political opinion, is outside the country*
10 *of his nationality, and is unable to or, owing to such*
11 *fear, is unwilling to avail himself of the protection of*
12 *that country . . .”.*

13 (4) *UNRWA’s much broader definition of a*
14 *“Palestine refugee” is any person, and his descend-*
15 *ants, whose “normal place of residence was [the*
16 *former British Mandate of] Palestine during the pe-*
17 *riod 1 June 1946 to 15 May 1948 and who lost both*
18 *home and means of livelihood as a result of the 1948*
19 *conflict.”.*

20 (5) *UNRWA’s overly inclusive definition of a*
21 *“Palestine refugee” has resulted in an increase in*
22 *UNRWA’s reported number of “Palestine refugees”*
23 *from under one million in 1950 to over 4.5 million*
24 *today, encompassing multiple generations of descend-*
25 *ants of the original Palestinian refugees.*

1 (6) *Hundreds of thousands of “Palestine refu-*
2 *gees” are citizens of recognized states, including Jor-*
3 *dan.*

4 (7) *UNRWA, unlike UNHCR, does not offer refu-*
5 *gees the option of resettlement and reintegration into*
6 *their country of refuge or a third country. Efforts by*
7 *UN officials in the 1950s to offer resettlement and re-*
8 *integration as an option for Palestinian refugees were*
9 *dropped under fierce opposition from Arab govern-*
10 *ments, and have not been taken up since.*

11 (8) *Through its overly inclusive definition of a*
12 *“Palestine refugee” and its refusal to offer refugees the*
13 *option of resettlement and reintegration, UNRWA*
14 *contributes to the perpetuation of the suffering of Pal-*
15 *estinian refugees, who have been exploited by Arab*
16 *governments and Palestinian militant groups for over*
17 *six decades as a political tool with which to assail*
18 *Israel.*

19 (9) *Almost all of UNRWA’s almost 30,000 staff*
20 *are Palestinian refugees themselves, presenting a clear*
21 *conflict of interest.*

22 (10) *UNRWA’s total annual budget, including*
23 *its core programs, emergency activities and special*
24 *projects, exceeds \$1 billion.*

1 (11) *The United States has long been the largest*
2 *single contributing country to UNRWA.*

3 (12) *From 1950 to 2010, the United States has*
4 *contributed almost \$3.9 billion to UNRWA, including*
5 *an average of over \$210 million per year between fis-*
6 *cal years 2007 and 2010.*

7 (13) *Section 301(c) of the Foreign Assistance Act*
8 *of 1961 (22 U.S.C. 2221(c)) states that “No contribu-*
9 *tions by the United States shall be made to the*
10 *United Nations Relief and Works Agency for Pal-*
11 *estine Refugees in the Near East except on the condi-*
12 *tion that the United Nations Relief and Works Agen-*
13 *cy take all possible measures to assure that no part*
14 *of the United States contribution shall be used to fur-*
15 *nish assistance to any refugee who is receiving mili-*
16 *tary training as a member of the so-called Palestine*
17 *Liberation Army or any other guerrilla type organi-*
18 *zation or who has engaged in any act of terrorism.”.*

19 (14) *Then-Deputy Secretary of State Jacob J.*
20 *Lew testified before the House Committee on Foreign*
21 *Affairs on May 13, 2009, that “We have the highest*
22 *level of scrutiny in terms of UNRWA”.*

23 (15) *However, in contravention of United States*
24 *law, UNRWA does not ask its personnel or aid recipi-*

1 *ents if they are members of Foreign Terrorist Organi-*
2 *zations.*

3 *(16) Even though the United States remains the*
4 *largest single contributing country to UNRWA, until*
5 *2010, UNRWA did not make available its list of staff*
6 *for screening through United States watch lists, in-*
7 *cluding that of the Department of the Treasury's Of-*
8 *fice of Foreign Assets Control, refused a United States*
9 *request to do so in 2005, and still does not do so for*
10 *its list of aid recipients.*

11 *(17) UNRWA claims that it has fulfilled its obli-*
12 *gations under section 301(c) of the Foreign Assistance*
13 *Act of 1961 by screening personnel through the*
14 *United Nations Consolidated List pursuant to United*
15 *Nations Security Council Resolution 1267, but the*
16 *names on that list are largely members of Al-Qaeda*
17 *and the Taliban, not of Palestinian Foreign Terrorist*
18 *Organizations such as Hamas, Fatah's al-Aqsa Mar-*
19 *tyrs' Brigades, or Palestinian Islamic Jihad.*

20 *(18) Former UNRWA commissioner-general*
21 *Peter Hansen, stated in 2004 that "I am sure that*
22 *there are Hamas members on the UNRWA payroll*
23 *and I don't see that as a crime."*

1 (19) *A number of UNRWA personnel have been*
2 *discovered to be affiliated with Foreign Terrorist Or-*
3 *ganizations, including, inter alia:*

4 (A) *Issa Batran (now deceased), a com-*
5 *mander of Hamas's al-Aqsa Martyrs' Brigades*
6 *and senior rocket-maker who taught at an*
7 *UNRWA school in Gaza;*

8 (B) *Humam Khalil Abu Mulal al-Balawi*
9 *(now deceased), who reportedly carried out a*
10 *homicide bombing that killed seven Americans*
11 *and one Jordanian at Forward Operating Base*
12 *Chapman in Afghanistan on December 30, 2009,*
13 *reportedly worked as a physician at an UNRWA*
14 *clinic in Amman, Jordan, and had longstanding*
15 *ties to violent Islamist extremism;*

16 (C) *Said Siam (now deceased), a longtime*
17 *Hamas official who eventually served as*
18 *Hamas's Interior Minister in Gaza, and who*
19 *taught at an UNRWA school in Gaza;*

20 (D) *Awad al-Qiq (now deceased), a rocket-*
21 *builder for Palestinian Islamic Jihad who served*
22 *as headmaster of an UNRWA school in Gaza;*

23 (E) *Nahd Atallah, an UNRWA staff mem-*
24 *ber in Gaza, who was arrested, convicted, and*
25 *sentenced to 15 years' imprisonment by an*

1 *Israeli military court of using his UN travel*
2 *document to bypass Israeli checkpoints in Gaza*
3 *in order to transport armed Palestinian mili-*
4 *tants; and*

5 *(F) an UNRWA teacher who reportedly*
6 *praised homicide bombers and permitted Hamas*
7 *leader Ahmed Yassin (now deceased) to speak to*
8 *an assembly of students at an UNRWA school.*
9 *UNRWA did not terminate the teacher's employ-*
10 *ment, instead only giving him a letter of censure.*

11 *(20) UNRWA staff unions, including the teach-*
12 *ers' union, are frequently controlled by members af-*
13 *filiated with Hamas.*

14 *(21) Former UNRWA general counsel James*
15 *Lindsay noted in a 2009 report that—*

16 *(A) “UNRWA . . . obviously does not take*
17 *‘all possible measures’ in practice” to assure that*
18 *United States contributions do not provide as-*
19 *sistance to any refugee with ties to Foreign Ter-*
20 *rorist Organizations, in accordance with section*
21 *301(c) of the Foreign Assistance Act of 1961;*

22 *(B) “UNRWA makes no attempt to weed*
23 *out individuals who support extremist positions*
24 *. . . UNRWA has taken very few steps to detect*
25 *and eliminate terrorists from the ranks of its*

1 *staff or its beneficiaries, and no steps at all to*
2 *prevent members of terrorist organizations, such*
3 *as Hamas, from joining its staff.”;*

4 (C) “[I]t is rare for an area staff member
5 . . . to report or confirm that another staff mem-
6 ber has violated rules against political speech, let
7 alone exhibited ties to terrorism. Not surpris-
8 ingly, external allegations of improper speech or
9 improper use of UNRWA facilities are difficult
10 to prove, as virtually no one is willing to be a
11 witness against gang members.”; and

12 (D) “[T]here are no formal procedures for
13 deregistering or denying services to a properly
14 registered refugee, no matter what he or she
15 does.”.

16 (22) *The late Representative Tom Lantos, in a*
17 *May 13, 2002 letter, expressed his concern that—*

18 (A) *“UNRWA is perpetuating, rather than*
19 *ameliorating, the situation of Palestinian refu-*
20 *gees”;*

21 (B) *“UNRWA officials have . . . failed to*
22 *prevent their camps from becoming centers of*
23 *terrorist activity”;* and

24 (C) *“for too long, UNRWA has been part of*
25 *the problem, rather than the solution, in the*

1 *Middle East . . . UNRWA camps have fostered*
2 *a culture of anger and dependency that under-*
3 *mines both regional peace and the well-being of*
4 *the camps' inhabitants.”.*

5 *(23) UNRWA has long held accounts at the Arab*
6 *Bank and the Commercial Bank of Syria (CBS), fi-*
7 *nancial institutions that the United States deems or*
8 *believes to be complicit in money laundering and ter-*
9 *ror financing.*

10 *(24) The Arab Bank is reportedly at the center*
11 *of United States investigations into how tens of mil-*
12 *lions of dollars have flowed to Palestinian groups that*
13 *allegedly used some of those funds to pay off suicide*
14 *bombers and their relatives, and is also reportedly*
15 *being sued in Federal court by American victims of*
16 *attacks in Israel, with attorneys for the victims accus-*
17 *ing the bank of facilitating Acts of International Ter-*
18 *rorism.*

19 *(25) On May 11, 2004, the Department of the*
20 *Treasury designated CBS as a financial institution of*
21 *“primary money laundering concern” pursuant to*
22 *section 311 of the USA Patriot Act, stating that*
23 *“CBS had been used by terrorists and their sympa-*
24 *thizers and acted as a conduit for the laundering of*
25 *proceeds generated from the illicit sale of Iraqi oil”*

1 *and that “numerous transactions that may be indic-*
2 *ative of terrorist financing and money laundering*
3 *have been transferred through CBS, including two ac-*
4 *counts at CBS that reference a reputed financier for*
5 *Usama bin Laden.”.*

6 *(26) On August 10, 2011, the Department of the*
7 *Treasury designated CBS, pursuant to Executive*
8 *Order 13382, for serving as an “agent for designated*
9 *Syrian and North Korean proliferators”.*

10 *(27) CBS is controlled by the Government of*
11 *Syria, a State Sponsor of Terrorism.*

12 *(28) The curriculum of UNRWA schools, which*
13 *use the textbooks of their respective host governments*
14 *or authorities, has long contained materials that are*
15 *anti-Israel, anti-Semitic, and supportive of violent*
16 *extremism.*

17 *(29) As far back as over forty years ago, former*
18 *UNRWA commissioner-general Laurence Michelmore*
19 *admitted that UNRWA schools were supporting a*
20 *“bitterly hostile attitude to Israel.”.*

21 *(30) Former UNRWA general counsel James*
22 *Lindsay noted in a January 2009 report that*
23 *“[T]eachers in UNRWA schools were often afraid to*
24 *remove posters glorifying ‘martyrs’ (including suicide*

1 *bombers) for fear of retribution from armed sup-*
2 *porters of the ‘martyrs.’”.*

3 *(31) UNRWA officials have compromised*
4 *UNRWA’s strictly humanitarian mandate by engag-*
5 *ing in political agitation, propaganda, and advocacy*
6 *agitation against Israel and in favor of Hamas, as*
7 *reflected by the following, inter alia:*

8 *(A) UNRWA officials have repeatedly called*
9 *for the United States and other nations to deal*
10 *directly with Hamas and have repeatedly called*
11 *for political “reconciliation” between Hamas*
12 *and Fatah.*

13 *(B) UNRWA officials have repeatedly casti-*
14 *gated Israel for her actions to defend innocent ci-*
15 *vilians from rocket and mortar attacks from vio-*
16 *lent extremist groups in Gaza and from other*
17 *Acts of International Terrorism, and has repeat-*
18 *edly blamed Israel, not Hamas and other violent*
19 *extremist groups, for present restrictions on ac-*
20 *cess to Gaza.*

21 *(C) Former UNRWA general counsel James*
22 *Lindsay noted in a 2009 report that: “Although*
23 *it occasionally issued mild, pro forma criticisms*
24 *of Palestinian attacks (most of which were clear-*
25 *ly war crimes), [UNRWA] put more effort into*

1 *criticizing Israeli counterterrorism efforts (which*
2 *were condemned using language associated with*
3 *war crimes, though any such crimes were far*
4 *from proved) . . . UNRWA never seems to ac-*
5 *knowledge that Israel, since its 2005 withdrawal*
6 *from Gaza, has launched strikes on the territory*
7 *largely in order to halt rocket attacks and other*
8 *assaults.”.*

9 *(D) Lindsay also noted that “UNRWA—*
10 *through its leaders and press spokespersons—is*
11 *constantly involved in political speech . . . These*
12 *one-sided speeches on political matters do not*
13 *further the goals of a humanitarian and sup-*
14 *posedly nonpolitical agency.”.*

15 *(E) UNRWA Commissioner-General Filippo*
16 *Grandi described as a “massacre” Israel’s May*
17 *31, 2010 naval operation, and use of self-defense*
18 *measures, to seize the Mavi Marmara ship in*
19 *order to enforce its naval blockade of the Gaza*
20 *Strip.*

21 *(F) Former UNRWA commissioner-general*
22 *Karen AbuZayd stated in a 2009 meeting with*
23 *Congressional staff that “We [UNRWA] are not*
24 *just humanitarian.”.*

1 (G) *In January of 2009, UNRWA spokes-*
2 *man Christopher Gunness called for an inves-*
3 *tigation as to whether Israel had committed “a*
4 *war crime.”*

5 (H) *On December 30, 2008, former*
6 *UNRWA commissioner-general Karen AbuZayd*
7 *stated that only Israel was responsible for the*
8 *start of the most recent conflict in Gaza.*

9 (I) *On May 25, 2008, in an interview with*
10 *Press TV, which is controlled by the Government*
11 *of Iran, former UNRWA commissioner-general*
12 *Karen AbuZayd reportedly claimed that Hamas*
13 *was free from corruption and “more popular*
14 *than ever”.*

15 (J) *On October 5, 2007, former UNRWA*
16 *commissioner-general Karen AbuZayd blamed*
17 *Israel for violent extremist groups in Gaza*
18 *launching rockets and mortars against Israeli ci-*
19 *vilian targets, stating that residents of Gaza*
20 *“have absorbed—and continue to experience—*
21 *military incursions in which civilian lives, live-*
22 *lihoods, and property have been destroyed, and*
23 *to which they have responded with the contin-*
24 *uous firing of Qassam rockets into Israel.”*

1 (K) On March 8, 2007, former UNRWA
2 commissioner-general Karen AbuZayd, com-
3 paring the 1948 Arab-Israeli War with more re-
4 cent conflicts between Israel and Palestinian
5 militant groups, stated that “[T]here is a strik-
6 ing historical continuity in the systematic ap-
7 proach to use overwhelming and disproportionate
8 force in the name of security; to separate and ex-
9 clude Palestinians from the mainstream; to eject
10 them from their land; and to occupy Palestinian
11 land.”.

12 (L) On January 19, 2005, former UNRWA
13 commissioner-general Peter Hansen stated that
14 “My job [is] to represent the refugees.”.

15 (M) In 2002, former UNRWA commis-
16 sioner-general Peter Hansen falsely accused
17 Israel of carrying out a “massacre” in
18 UNRWA’s Jenin refugee camp after Israeli forces
19 entered the camp, a base of operations for Pales-
20 tinian militant groups, to carry out defensive
21 operations to halt repeated homicide bombings in
22 Israel.

23 (N) In 1964, UNRWA allowed its staff to
24 attend the conference in Jerusalem where the

1 *Palestine Liberation Organization (PLO) was*
2 *established.*

3 (32) *Despite UNRWA’s contravention of U.S.*
4 *law and activities that compromise its strictly hu-*
5 *manitarian mandate, UNRWA continues to receive*
6 *United States contributions, including \$237.8 million*
7 *in fiscal year 2010.*

8 (33) *The bilateral “Framework for Cooperation”*
9 *that the United States concluded with UNRWA for*
10 *2010 actually “commends” UNRWA and does not*
11 *commit UNRWA to vetting its aid recipients through*
12 *United States watch lists.*

13 (34) *Assistance from the United States and other*
14 *responsible nations allows UNRWA to claim that*
15 *criticisms of the agency’s behavior are unfounded.*
16 *UNRWA spokesman Christopher Gunness has dis-*
17 *missed concerns by stating that “If these baseless alle-*
18 *gations were even halfway true, do you really think*
19 *the U.S. and [European Commission] would give us*
20 *hundreds of millions of dollars per year?”.*

21 (35) *Former UNRWA general counsel James*
22 *Lindsay noted in a 2009 report that:*

23 (A) *“The United States, despite funding*
24 *nearly 75 percent of UNRWA’s national budget*
25 *and remaining its largest single country donor,*

1 *has mostly failed to make UNRWA reflect U.S.*
2 *foreign policy objectives . . . Recent U.S. efforts*
3 *to shape UNRWA appear to have been ineffective*
4 *. . .”;*

5 (B) “[T]he United States is not obligated to
6 fund agencies that refuse to check its rolls for in-
7 dividuals their donors do not wish to support.”;

8 (C) “A number of changes in UNRWA could
9 benefit the refugees, the Middle East, and the
10 United States, but those changes will not occur
11 unless the United States, ideally with support
12 from UNRWA’s other main financial supporter,
13 the European Union, compels the agency to
14 enact reforms.”; and

15 (D) “If the [UNRWA commissioner-gen-
16 eral’s] power is used in ways that are conflict
17 with the donors’ political objectives, it is up to
18 the donors to take the necessary actions to ensure
19 that their interests are respected. When they have
20 done so, UNRWA—given the tight financial
21 leash it has been on for most of its existence—
22 has tended to follow their dictates, even if some-
23 times slowly.”.

24 (36) *The Government of Canada has recently*
25 *placed restrictions on its contributions to UNRWA,*

1 *demonstrating consequences for UNRWA’s malfea-*
2 *sance and setting an example for the United States*
3 *and other donor governments.*

4 **SEC. 802. UNITED STATES CONTRIBUTIONS TO UNRWA.**

5 *Section 301 of the Foreign Assistance Act of 1961 is*
6 *amended by striking subsection (c) and inserting the fol-*
7 *lowing new subsection:*

8 “(c)(1) *WITHHOLDING.*—*Contributions by the United*
9 *States to the United Nations Relief and Works Agency for*
10 *Palestine Refugees in the Near East (UNRWA), to any suc-*
11 *cessor or related entity, or to the regular budget of the*
12 *United Nations for the support of UNRWA or a successor*
13 *entity (through staff positions provided by the United Na-*
14 *tions Secretariat, or otherwise), may be provided only dur-*
15 *ing a period for which a certification described in para-*
16 *graph (2) is in effect.*

17 “(2) *CERTIFICATION.*—*A certification described in this*
18 *paragraph is a written determination by the Secretary of*
19 *State, based on all information available after diligent in-*
20 *quiry, and transmitted to the appropriate congressional*
21 *committees along with a detailed description of the factual*
22 *basis therefor, that—*

23 “(A) *no official, employee, consultant, contractor,*
24 *subcontractor, representative, or affiliate of*
25 *UNRWA—*

1 “(i) is a member of a Foreign Terrorist Or-
2 ganization;

3 “(ii) has propagated, disseminated, or in-
4 cited anti-American, anti-Israel, or anti-Semitic
5 rhetoric or propaganda; or

6 “(iii) has used any UNRWA resources, in-
7 cluding publications or Web sites, to propagate
8 or disseminate political materials, including po-
9 litical rhetoric regarding the Israeli-Palestinian
10 conflict;

11 “(B) no UNRWA school, hospital, clinic, other
12 facility, or other infrastructure or resource is being
13 used by a Foreign Terrorist Organization for oper-
14 ations, planning, training, recruitment, fundraising,
15 indoctrination, communications, sanctuary, storage of
16 weapons or other materials, or any other purposes;

17 “(C) UNRWA is subject to comprehensive finan-
18 cial audits by an internationally recognized third
19 party independent auditing firm and has imple-
20 mented an effective system of vetting and oversight to
21 prevent the use, receipt, or diversion of any UNRWA
22 resources by any foreign terrorist organization or
23 members thereof;

24 “(D) no UNRWA-funded school or educational
25 institution uses textbooks or other educational mate-

1 *rials that propagate or disseminate anti-American,*
2 *anti-Israel, or anti-Semitic rhetoric, propaganda or*
3 *incitement;*

4 *“(E) no recipient of UNRWA funds or loans is*
5 *a member of a Foreign Terrorist Organization; and*

6 *“(F) UNRWA holds no accounts or other affili-*
7 *ations with financial institutions that the United*
8 *States deems or believes to be complicit in money*
9 *laundering and terror financing.*

10 *“(3) DEFINITIONS.—In this section:*

11 *“(A) FOREIGN TERRORIST ORGANIZATION.—The*
12 *term ‘Foreign Terrorist Organization’ means an orga-*
13 *nization designated as a Foreign Terrorist Organi-*
14 *zation by the Secretary of State in accordance with sec-*
15 *tion 219(a) of the Immigration and Nationality Act*
16 *(8 U.S.C. 1189(a)).*

17 *“(B) APPROPRIATE CONGRESSIONAL COMMIT-*
18 *TEES.—The term ‘appropriate congressional commit-*
19 *tees’ means—*

20 *“(i) the Committees on Foreign Affairs, Ap-*
21 *propriations, and Oversight and Government Re-*
22 *form of the House of Representatives; and*

23 *“(ii) the Committees on Foreign Relations,*
24 *Appropriations, and Homeland Security and*
25 *Governmental Affairs of the Senate.*

1 “(4) *EFFECTIVE DURATION OF CERTIFICATION.*—The
2 *certification described in paragraph (2) shall be effective*
3 *for a period of 180 days from the date of transmission to*
4 *the appropriate congressional committees, or until the Sec-*
5 *retary receives information rendering that certification fac-*
6 *tually inaccurate, whichever is earliest. In the event that*
7 *a certification becomes ineffective, the Secretary shall*
8 *promptly transmit to the appropriate congressional com-*
9 *mittees a description of any information that precludes the*
10 *renewal or continuation of the certification.*

11 “(5) *LIMITATION.*—During a period for which a cer-
12 *tification described in paragraph (2) is in effect, the United*
13 *States may not contribute to the United Nations Relief and*
14 *Works Agency for Palestine Refugees in the Near East*
15 *(UNRWA) or a successor entity an annual amount—*

16 “(A) *greater than the highest annual contribu-*
17 *tion to UNRWA made by a member country of the*
18 *League of Arab States;*

19 “(B) *that, as a proportion of the total UNRWA*
20 *budget, exceeds the proportion of the total budget for*
21 *the United Nations High Commissioner for Refugees*
22 *(UNHCR) paid by the United States; or*

23 “(C) *that exceeds 22 percent of the total budget*
24 *of UNRWA.”.*

1 **SEC. 803. SENSE OF CONGRESS.**

2 *It is the sense of Congress that—*

3 *(1) the President and the Secretary of State*
4 *should lead a high-level diplomatic effort to encourage*
5 *other responsible nations to withhold contributions to*
6 *UNRWA, to any successor or related entity, or to the*
7 *regular budget of the United Nations for the support*
8 *of UNRWA or a successor entity (through staff posi-*
9 *tions provided by the United Nations Secretariat, or*
10 *otherwise) until UNRWA has met the conditions list-*
11 *ed in subparagraphs (A) through (F) of section*
12 *301(c)(2) of the Foreign Assistance Act of 1961 (as*
13 *added by section 802 of this Act);*

14 *(2) citizens of recognized states should be re-*
15 *moved from UNRWA's jurisdiction;*

16 *(3) UNRWA's definition of a "Palestine refugee"*
17 *should be changed to that used for a refugee by the*
18 *Office of the United Nations High Commissioner for*
19 *Refugees; and*

20 *(4) in order to alleviate the suffering of Pales-*
21 *tinian refugees, responsibility for those refugees should*
22 *be fully transferred to the Office of the United Nations*
23 *High Commissioner for Refugees.*

1 **TITLE IX—INTERNATIONAL**
2 **ATOMIC ENERGY AGENCY**

3 **SEC. 901. TECHNICAL COOPERATION PROGRAM.**

4 (a) *FINDINGS.*—Congress makes the following findings:

5 (1) *The International Atomic Energy Agency*
6 *(IAEA) was established in 1957 with the objectives of*
7 *seeking to “accelerate and enlarge the contribution of*
8 *atomic energy to peace, health and prosperity*
9 *throughout the world” and to “ensure . . . that assist-*
10 *ance provided by it or at its request or under its su-*
11 *per vision or control is not used in such a way as to*
12 *further any military purpose.”.*

13 (2) *The United States, via assessed contributions,*
14 *is the largest financial contributor to the regular*
15 *budget of the IAEA.*

16 (3) *In 1959, the IAEA established what is now*
17 *called the Technical Cooperation Program, financed*
18 *primarily through voluntary contributions by member*
19 *states to the Technical Cooperation Fund, to provide*
20 *nuclear technical cooperation (TC) for peaceful pur-*
21 *poses to countries worldwide.*

22 (4) *The United States is the largest financial*
23 *contributor to the IAEA’s Technical Cooperation*
24 *Fund.*

1 (5) *A March 2009 report by the Government Ac-*
2 *countability Office (GAO) found that “neither [the*
3 *Department of State] nor IAEA seeks to systemati-*
4 *cally limit TC assistance to countries the United*
5 *States has designated as state sponsors of terrorism—*
6 *Cuba, Iran, Sudan, and Syria—even though under*
7 *U.S. law these countries are subject to sanctions.”.*

8 (6) *The GAO report also found that “Together,*
9 *[Cuba, Iran, Sudan, and Syria] received more than*
10 *\$55 million in TC assistance from 1997 through*
11 *2007.”. These four countries have received continued*
12 *assistance since 2007.*

13 (7) *The GAO report also found that “prolifera-*
14 *tion concerns about the [Technical Cooperation Pro-*
15 *gram] have persisted because of the assistance it has*
16 *provided to certain countries and because nuclear*
17 *equipment, technology, and expertise can be dual-*
18 *use—capable of serving peaceful purposes . . . but also*
19 *useful in contributing to nuclear weapons develop-*
20 *ment.”.*

21 (8) *The GAO report also found that “[The State*
22 *Department] reported in 2007 that three TC projects*
23 *in [Iran] were directly related to the Iranian nuclear*
24 *power plant at Bushehr.”.*

1 (9) *The GAO report also found that “The pro-*
2 *liferation concerns associated with the [Technical Co-*
3 *operation Program] are difficult for the United States*
4 *to fully identify, assess, and resolve . . . [because]*
5 *there is no formal mechanism for obtaining TC*
6 *project information during the proposal development*
7 *phase . . . [l]imited [Department of] State docu-*
8 *mentation on how proliferation concerns of TC pro-*
9 *posals were resolved . . . [and s]hortcomings in U.S.*
10 *policies and IAEA procedures [including monitoring*
11 *proliferation risks] related to TC program fellow-*
12 *ships.”.*

13 (10) *The GAO report noted that “IAEA officials*
14 *told us that the [Technical Cooperation Program]*
15 *does not attempt to exclude countries on the basis of*
16 *their status as U.S.-designated state sponsors of ter-*
17 *rorism or other political considerations” and that, ac-*
18 *cording to the Deputy Director General for the Tech-*
19 *nical Cooperation Program, “there are no good coun-*
20 *tries and there are no bad countries” with respect to*
21 *provision of technical cooperation by the IAEA.*

22 (11) *The GAO report also found that “given the*
23 *limited information available on TC projects and the*
24 *dual-use nature of some nuclear technologies and ex-*
25 *pertise, we do not believe [the State Department] can*

1 *assert with complete confidence that TC assistance*
2 *has not advanced [weapons of mass destruction] pro-*
3 *grams in U.S.-designated state sponsors of terrorism”.*

4 (12) *The GAO report also found that “we do not*
5 *share [the State Department’s confidence in IAEA’s*
6 *internal safeguards to prevent TC projects from con-*
7 *tributing to weapons development . . .].”*

8 (13) *The Foreign Assistance Act of 1961 (22*
9 *U.S.C. 2151 et seq.) prohibited any of the funds au-*
10 *thorized to be appropriated for “International Orga-*
11 *nizations and Programs” from being made available*
12 *for the United States proportionate share for pro-*
13 *grams for Libya, Iran, Cuba, or the Palestine Libera-*
14 *tion Organization, inter alia.*

15 (14) *The Foreign Operations, Export Financing,*
16 *and Related Programs Appropriations Act, 1998*
17 *(Public Law 105–118) prohibited any of the funds*
18 *made available by such Act for the IAEA from being*
19 *made available for programs and projects of the*
20 *IAEA in Cuba.*

21 (15) *The Foreign Affairs Reform and Restruc-*
22 *ture Act of 1998 (Public Law 105–277) required*
23 *the United States to withhold a proportionate share*
24 *of funding to the IAEA for projects in Cuba regarding*

1 *the Juragua Nuclear Power Plant and the Pedro Pi*
2 *Nuclear Research Center.*

3 (16) *The GAO report asked Congress “to consider*
4 *directing [the State Department] to withhold a share*
5 *of future annual contributions to the [Technical Co-*
6 *operation Fund] that is proportionate to the amount*
7 *of funding provided from the fund for U.S.-designated*
8 *state sponsors of terrorism and other countries of con-*
9 *cern, noting that such a withholding is a matter of*
10 *fundamental principle and intended to foster a more*
11 *consistent U.S. policy toward such nations”.*

12 (17) *The IAEA has repeatedly reported that the*
13 *Government of Iran continues its work on heavy*
14 *water-related projects and its enrichment of uranium,*
15 *in violation of United Nations Security Council Reso-*
16 *lutions 1696 (2006), 1737 (2006), 1747 (2007), 1803*
17 *(2008), 1835 (2008), and 1929 (2010).*

18 (18) *United Nations Security Council Resolution*
19 *1737 (2006) decided “that technical cooperation pro-*
20 *vided to Iran by the IAEA or under its auspices shall*
21 *only be for food, agricultural, medical, safety or other*
22 *humanitarian purposes [inter alia] . . . but that no*
23 *such technical cooperation shall be provided that re-*
24 *lates to . . . proliferation sensitive nuclear activities*
25 *. . .”.*

1 (19) *The IAEA Director General reported to the*
2 *IAEA Board of Governors on February 25, 2011 that*
3 *the Government of Iran now has approximately 7,000*
4 *centrifuges for enriching uranium, is running almost*
5 *5,000 of them, and has increased its stockpile of low-*
6 *enriched uranium to over 3,600 kilograms, considered*
7 *sufficient for further enrichment into enough high-en-*
8 *riched uranium for more than one atomic bomb. The*
9 *Government of Iran has also reportedly produced a*
10 *stockpile of over 40 kilograms of uranium enriched up*
11 *to 20 percent U-235.*

12 (20) *The IAEA Director General has repeatedly*
13 *reported to the IAEA Board of Governors, including*
14 *in his report of February 25, 2011, about the “out-*
15 *standing issues related to possible military dimen-*
16 *sions to Iran’s nuclear programme”.*

17 (21) *The IAEA Director General has repeatedly*
18 *reported to the IAEA Board of Governors, including*
19 *in his report of February 25, 2011, that “the [IAEA]*
20 *remains concerned about the possible existence in*
21 *Iran of past or current undisclosed nuclear related ac-*
22 *tivities involving military-related organizations, in-*
23 *cluding activities related to the development of a nu-*
24 *clear payload for a missile.”.*

1 (22) *The IAEA Director General has repeatedly*
2 *reported to the IAEA Board of Governors, including*
3 *in his report of February 19, 2009, that “Iran has*
4 *not implemented the Additional Protocol, which is a*
5 *prerequisite for [the IAEA] to provide credible assur-*
6 *ance about the absence of undeclared nuclear material*
7 *and activities. Nor has [Iran] agreed to [the IAEA’s]*
8 *request that Iran provide, as a transparency measure,*
9 *access to additional locations related, inter alia, to*
10 *the manufacturing of centrifuges, research and devel-*
11 *opment on uranium enrichment, and uranium min-*
12 *ing and milling, as also required by the Security*
13 *Council.”.*

14 (23) *The IAEA Director General has repeatedly*
15 *reported to the IAEA Board of Governors, including*
16 *in his report of February 19, 2009, that “as a result*
17 *of the continued lack of cooperation by Iran in con-*
18 *nection with . . . issues which give rise to concerns*
19 *about possible military dimensions of Iran’s nuclear*
20 *programme, [the IAEA] has made no substantive*
21 *progress on these issues.”.*

22 (24) *Iran has refused to comply with resolutions*
23 *adopted by the IAEA Board of Governors on Sep-*
24 *tember 12, 2003, November 26, 2003, March 15, 2004,*
25 *June 18, 2004, November 29, 2004, August 11, 2005,*

1 *September 24, 2005, February 4, 2006, and July 31,*
2 *2006, regarding “Iran’s many failures and breaches*
3 *of its obligations to comply with its NPT Safeguards*
4 *Agreement” and continues to block IAEA inspections*
5 *of its nuclear facilities, in violation of its NPT Safe-*
6 *guards Agreement.*

7 *(25) According to multiple news reports, Iran re-*
8 *cently denied access to its enrichment site at Natanz*
9 *to IAEA inspectors, and has also denied a request by*
10 *the IAEA to place one or more additional surveillance*
11 *cameras at the enrichment site at Natanz.*

12 *(26) In April of 2008, United States Government*
13 *officials publicly revealed that Syria was building at*
14 *the Dair Alzour site, with North Korea’s assistance,*
15 *a secret nuclear reactor that was based on a North*
16 *Korean model capable of producing plutonium for nu-*
17 *clear weapons and that was weeks away from becom-*
18 *ing operational before an Israeli air strike reportedly*
19 *destroyed the reactor in September 2007.*

20 *(27) On April 28, 2008, General Michael Hay-*
21 *den, the former Director of the Central Intelligence*
22 *Agency, stated that the Syrian reactor at Dair Alzour*
23 *could have produced enough plutonium for 1 or 2*
24 *bombs within a year of becoming operational.*

1 (28) *The IAEA Director General reported to the*
2 *IAEA Board of Governors on November 19, 2008 that*
3 *the Syrian facility at Dair Alzour bore features that*
4 *resembled those of an undeclared nuclear reactor, add-*
5 *ing that “Syria has not yet provided the requested*
6 *documentation in support of its declarations con-*
7 *cerning the nature or function of the destroyed build-*
8 *ing, nor agreed to a visit to the three other locations*
9 *which the IAEA has requested to visit.”.*

10 (29) *The IAEA Director General publicly stated*
11 *to the IAEA Board of Governors, on June 15, 2009,*
12 *that “the limited information and access provided by*
13 *Syria to date have not enabled the Agency to deter-*
14 *mine the nature of the destroyed facility” at Dair*
15 *Alzour site, that uranium particles have been found*
16 *in samples taken from a second site, the Miniature*
17 *Neutron Source Reactor facility in Damascus, and*
18 *that the particles found at both sites “are of a type*
19 *not included in Syria’s declared inventory of nuclear*
20 *material.”.*

21 (30) *Commercial satellite photos published on*
22 *February 23, 2011, indicate efforts by the Govern-*
23 *ment of Syria to conceal its activities at an addi-*
24 *tional site, Marj as Sultan, which may be connected*
25 *to the Dair Alzour facility.*

1 (31) *The IAEA Director General reported to the*
2 *IAEA Board of Governors on February 25, 2011 that*
3 *“Syria has not cooperated with the [IAEA] since*
4 *June 2008 in connection with the unresolved issues*
5 *related to the Dair Alzour site and the other three lo-*
6 *cations allegedly functionally related to it. As a con-*
7 *sequences, the [IAEA] has not been able to make*
8 *progress towards resolving the outstanding issues re-*
9 *lated to those sites.”.*

10 (b) *PROHIBITION.—No funds from any United States*
11 *assessed or voluntary contribution to the IAEA may be used*
12 *to support any assistance provided by the IAEA through*
13 *its Technical Cooperation program to any country, includ-*
14 *ing North Korea that—*

15 (1) *is a country the government of which has*
16 *been determined by the Secretary of State, for pur-*
17 *poses of section 6(j) of the Export Administration Act*
18 *of 1979, section 620A of the Foreign Assistance Act*
19 *of 1961, section 40 of the Arms Export Control Act,*
20 *or other provision of law, is a government that has*
21 *repeatedly provided support for acts of international*
22 *terrorism;*

23 (2) *is in breach of or noncompliance with its ob-*
24 *ligations regarding—*

1 (A) its safeguards agreement with the
2 IAEA;

3 (B) the Additional Protocol;

4 (C) the Nuclear Non-Proliferation Treaty;

5 (D) any relevant United Nations Security
6 Council Resolution; or

7 (E) the Charter of the United Nations; or

8 (3) is under investigation for a breach of or non-
9 compliance with the obligations specified in para-
10 graph (2).

11 (c) *WITHHOLDING OF VOLUNTARY CONTRIBUTIONS.*—

12 *Not later than 30 days after the date of the enactment of*
13 *this Act, the Secretary of State shall withhold from the*
14 *United States voluntary contribution to the IAEA an*
15 *amount proportional to that spent by the IAEA in the pe-*
16 *riod from 2007 to 2008 on assistance through its Technical*
17 *Cooperation Program to countries described in subsection*
18 *(b).*

19 (d) *WITHHOLDING OF ASSESSED CONTRIBUTIONS.*—

20 *If, not later than 30 days of the date of the enactment of*
21 *this Act, the amount specified in subsection (c) has not been*
22 *withheld and the IAEA has not suspended all assistance*
23 *provided through its Technical Cooperation Program to the*
24 *countries described in subsection (b), an amount equal to*

1 *that specified in subsection (c) shall be withheld from the*
2 *United States assessed contribution to the IAEA.*

3 (e) *WAIVER.—The provisions in subsections (c) and*
4 *(d) may be waived if—*

5 (1) *the IAEA has suspended all assistance pro-*
6 *vided through its Technical Cooperation Program to*
7 *the countries described in subsection (b); or*

8 (2) *the President certifies that the countries de-*
9 *scribed in subsection (b) no longer pose a threat to the*
10 *national security, interests, and allies of the United*
11 *States.*

12 (f) *UNITED STATES ACTIONS AT IAEA.—The Presi-*
13 *dent shall direct the United States Permanent Representa-*
14 *tive to the IAEA to use the voice, vote, and influence of*
15 *the United States at the IAEA to block the allocation of*
16 *funds for any assistance provided by the IAEA through its*
17 *Technical Cooperation Program to any country described*
18 *in subsection (b).*

19 (g) *REPORT.—Not later than six months after the date*
20 *of the enactment of this Act, the President shall transmit*
21 *to the appropriate congressional committees a report on the*
22 *implementation of this section.*

23 **SEC. 902. UNITED STATES POLICY AT THE IAEA.**

24 (a) *ENFORCEMENT AND COMPLIANCE.—*

25 (1) *OFFICE OF COMPLIANCE.—*

1 (A) *ESTABLISHMENT.*—*The President shall*
2 *direct the United States Permanent Representa-*
3 *tive to International Atomic Energy Agency*
4 *(IAEA) to use the voice, vote, and influence of*
5 *the United States at the IAEA to establish an*
6 *Office of Compliance in the Secretariat of the*
7 *IAEA.*

8 (B) *OPERATION.*—*The Office of Compliance*
9 *shall—*

10 (i) *function as an independent body*
11 *composed of technical experts who shall*
12 *work in consultation with IAEA inspectors*
13 *to assess compliance by IAEA Member*
14 *States and provide recommendations to the*
15 *IAEA Board of Governors concerning pen-*
16 *alties to be imposed on IAEA Member*
17 *States that fail to fulfill their obligations*
18 *under IAEA Board resolutions;*

19 (ii) *base its assessments and rec-*
20 *ommendations on IAEA inspection reports;*
21 *and*

22 (iii) *take into consideration informa-*
23 *tion provided by IAEA Board Members that*
24 *are 1 of the 5 nuclear weapons states as rec-*
25 *ognized by the Treaty on the Non-Prolifera-*

1 *tion of Nuclear Weapons (21 UST 483)*
2 *(commonly referred to as the “Nuclear Non-*
3 *proliferation Treaty” or the “NPT”).*

4 *(C) STAFFING.—The Office of Compliance*
5 *shall be staffed from existing personnel in the*
6 *Department of Safeguards of the IAEA or the*
7 *Department of Nuclear Safety and Security of*
8 *the IAEA.*

9 *(2) COMMITTEE ON SAFEGUARDS AND*
10 *VERIFICATION.—The President shall direct the United*
11 *States Permanent Representative to the IAEA to use*
12 *the voice, vote, and influence of the United States at*
13 *the IAEA to ensure that the Committee on Safeguards*
14 *and Verification established in 2005 shall develop and*
15 *seek to put into force a workplan of concrete measures*
16 *that will—*

17 *(A) improve the ability of the IAEA to*
18 *monitor and enforce compliance by Member*
19 *States of the IAEA with the Nuclear Non-*
20 *proliferation Treaty and the Statute of the Inter-*
21 *national Atomic Energy Agency; and*

22 *(B) enhance the ability of the IAEA, beyond*
23 *the verification mechanisms and authorities con-*
24 *tained in the Additional Protocol to the Safe-*
25 *guards Agreements between the IAEA and Mem-*

1 *ber States of the IAEA, to detect with a high de-*
2 *gree of confidence undeclared nuclear activities*
3 *by a Member State.*

4 (3) *PENALTIES WITH RESPECT TO THE IAEA.—*

5 (A) *IN GENERAL.—The President shall di-*
6 *rect the United States Permanent Representative*
7 *to the IAEA to use the voice, vote, and influence*
8 *of the United States at the IAEA to ensure that*
9 *a Member State of the IAEA that is under inves-*
10 *tigation for a breach of or noncompliance with*
11 *its IAEA obligations or the purposes and prin-*
12 *ciples of the Charter of the United Nations has*
13 *its privileges suspended, including—*

14 (i) *limiting its ability to vote on its*
15 *case;*

16 (ii) *being prevented from receiving any*
17 *technical assistance; and*

18 (iii) *being prevented from hosting*
19 *meetings.*

20 (B) *TERMINATION OF PENALTIES.—The*
21 *penalties specified under subparagraph (A) shall*
22 *be terminated when such investigation is con-*
23 *cluded and such Member State is no longer in*
24 *such breach or noncompliance.*

1 (4) *PENALTIES WITH RESPECT TO THE NUCLEAR*
2 *NONPROLIFERATION TREATY.*—*The President shall di-*
3 *rect the United States Permanent Representative to*
4 *the IAEA to use the voice, vote, and influence of the*
5 *United States at the IAEA to ensure that a Member*
6 *State of the IAEA that is found to be in breach of,*
7 *in noncompliance with, or has withdrawn from the*
8 *Nuclear Nonproliferation Treaty shall return to the*
9 *IAEA all nuclear materials and technology received*
10 *from the IAEA, any Member State of the IAEA, or*
11 *any Member State of the Nuclear Nonproliferation*
12 *Treaty.*

13 (b) *UNITED STATES CONTRIBUTIONS.*—

14 (1) *VOLUNTARY CONTRIBUTIONS.*—*Voluntary*
15 *contributions of the United States to the IAEA should*
16 *primarily be used to fund activities relating to Nu-*
17 *clear Safety and Security or activities relating to Nu-*
18 *clear Verification.*

19 (2) *LIMITATION ON USE OF FUNDS.*—*The Presi-*
20 *dent shall direct the United States Permanent Rep-*
21 *resentative to the IAEA to use the voice, vote, and in-*
22 *fluence of the United States at the IAEA to—*

23 (A) *ensure that funds for safeguards inspec-*
24 *tions are prioritized for countries that have*

1 *newly established nuclear programs or are initi-*
2 *ating nuclear programs; and*

3 *(B) block the allocation of funds for any*
4 *other IAEA development, environmental, or nu-*
5 *clear science assistance or activity to a coun-*
6 *try—*

7 *(i) the government of which the Sec-*
8 *retary of State has determined, for purposes*
9 *of section 6(j) of the Export Administration*
10 *Act of 1979, section 620A of the Foreign As-*
11 *sistance Act of 1961, section 40 of the Arms*
12 *Export Control Act, or other provision of*
13 *law, is a government that has repeatedly*
14 *provided support for acts of international*
15 *terrorism and the government of which the*
16 *Secretary has determined has not disman-*
17 *tled and surrendered its weapons of mass*
18 *destruction programs under international*
19 *verification;*

20 *(ii) that is under investigation for a*
21 *breach of or noncompliance with its IAEA*
22 *obligations or the purposes and principles*
23 *of the Charter of the United Nations; or*

1 (iii) that is in violation of its IAEA
2 obligations or the purposes and principles
3 of the Charter of the United Nations.

4 (3) *DETAIL OF EXPENDITURES.*—The President
5 shall direct the United States Permanent Representa-
6 tive to the IAEA to use the voice, vote, and influence
7 of the United States at the IAEA to secure, as part
8 of the regular budget presentation of the IAEA to
9 Member States of the IAEA, a detailed breakdown by
10 country of expenditures of the IAEA for safeguards
11 inspections and nuclear security activities.

12 (c) *MEMBERSHIP.*—

13 (1) *IN GENERAL.*—The President shall direct the
14 United States Permanent Representative to the IAEA
15 to use the voice, vote, and influence of the United
16 States at the IAEA to block the membership on the
17 Board of Governors of the IAEA for a Member State
18 of the IAEA that has not signed and ratified the Ad-
19 ditional Protocol and—

20 (A) is under investigation for a breach of or
21 noncompliance with its IAEA obligations or the
22 purposes and principles of the Charter of the
23 United Nations; or

1 (B) that is in violation of its IAEA obliga-
2 tions or the purposes and principles of the Char-
3 ter of the United Nations.

4 (2) *CRITERIA.*—The United States Permanent
5 Representative to the IAEA shall make every effort to
6 modify the criteria for Board membership to reflect
7 the principles described in paragraph (1).

8 (d) *SMALL QUANTITIES PROTOCOL.*—The President
9 shall direct the United States Permanent Representative to
10 the IAEA to use the voice, vote, and influence of the United
11 States at the IAEA to make every effort to ensure that the
12 IAEA changes the policy regarding the Small Quantities
13 Protocol in order to—

14 (1) rescind and eliminate the Small Quantities
15 Protocol;

16 (2) require that any IAEA Member State that
17 has previously signed a Small Quantities Protocol to
18 sign, ratify, and implement the Additional Protocol,
19 provide immediate access for IAEA inspectors to its
20 nuclear-related facilities, and agree to the strongest
21 inspections regime of its nuclear efforts; and

22 (3) require that any IAEA Member State that
23 does not comply with paragraph (2) to be ineligible
24 to receive nuclear material, technology, equipment, or

1 assistance from any IAEA Member State and subject
2 to the penalties described in subsection (a)(3).

3 (e) *NUCLEAR PROGRAM OF IRAN AND SYRIA.*—

4 (1) *UNITED STATES ACTION.*—The President
5 shall direct the United States Permanent Representa-
6 tive to the IAEA to use the voice, vote, and influence
7 of the United States at the IAEA to make every effort
8 to ensure the adoption of a resolution by the IAEA
9 Board of Governors that, in addition to the restric-
10 tions already imposed, makes Iran and Syria ineli-
11 gible to receive any nuclear material, technology,
12 equipment, or assistance from any IAEA Member
13 State and ineligible for any IAEA assistance not re-
14 lated to safeguards inspections or nuclear security
15 until the IAEA Board of Governors determines that
16 Iran or Syria, as the case may be—

17 (A) is providing full access to IAEA inspec-
18 tors to its nuclear-related facilities;

19 (B) has fully implemented and is in com-
20 pliance with the Additional Protocol; and

21 (C) has permanently ceased and dismantled
22 all activities and programs related to nuclear-en-
23 richment and reprocessing.

24 (2) *PENALTIES.*—If an IAEA Member State is
25 determined to have violated the prohibition on assist-

1 *should adopt, a resolution incorporating the Nuclear Secu-*
2 *rity Action Plan into the regular budget of the IAEA.*

3 ***TITLE X—PEACEKEEPING***

4 ***SEC. 1001. REFORM OF UNITED NATIONS PEACEKEEPING***
5 ***OPERATIONS.***

6 *It is the sense of Congress that—*

7 *(1) although United Nations peacekeeping oper-*
8 *ations have contributed greatly toward the promotion*
9 *of peace and stability for over 6 decades and the ma-*
10 *jority of peacekeeping personnel who have served*
11 *under the United Nations flag have done so with*
12 *honor and courage, the record of United Nations*
13 *peacekeeping has been severely tarnished by oper-*
14 *ational failures and unconscionable acts of mis-*
15 *conduct;*

16 *(2) in response to such failures, successive Secre-*
17 *taries General of the United Nations have launched*
18 *numerous reform efforts, including the high-level*
19 *Panel on United Nations Peace Operations, led by*
20 *former Foreign Minister of Algeria Lakhdar Brahimi,*
21 *the 2005 report by the Special Advisor on the Preven-*
22 *tion of Sexual Exploitation and Abuse, His Royal*
23 *Highness Prince Zeid Ra’ad Zeid Al-Hussein of Jor-*
24 *dan, and the 2009 New Partnership Agenda, known*
25 *as the “New Horizon” reports;*

1 (3) despite the fact that the United Nations has
2 had over a decade to implement many of these re-
3 forms, nearly four years to implement the reforms in
4 the Zeid Report, and the fact that Secretary General
5 Ban Ki-Moon, his predecessor Kofi Annan, and the
6 Special Committee on Peacekeeping Operations re-
7 peatedly have expressed their commitment “to imple-
8 menting fundamental, systematic changes as a matter
9 of urgency,” a number of critical reforms continue to
10 be blocked or delayed by Members States who argu-
11 ably benefit from maintenance of the status quo;

12 (4) further, audits of procurement practices in
13 the Department of Peacekeeping Operations, con-
14 ducted by the Office of Internal Oversight Services,
15 and the now-defunct United Nations Procurement
16 Task Force have uncovered “significant” corruption
17 schemes and criminal acts by United Nations peace-
18 keeping personnel; and

19 (5) if the reputation of and confidence in United
20 Nations peacekeeping operations is to be restored, fun-
21 damental and far-reaching reforms, particularly in
22 the areas of planning, management, procurement,
23 training, conduct, and discipline, must be imple-
24 mented without further delay.

1 **SEC. 1002. POLICY RELATING TO REFORM OF UNITED NA-**
2 **TIONS PEACEKEEPING OPERATIONS.**

3 *It shall be the policy of the United States to pursue*
4 *reform of United Nations peacekeeping operations in the*
5 *following areas:*

6 (1) *PLANNING AND MANAGEMENT.—*

7 (A) *GLOBAL AUDIT.—As the size, cost, and*
8 *number of United Nations peacekeeping oper-*
9 *ations have increased substantially over the past*
10 *decade, independent audits of each such oper-*
11 *ation should be conducted annually, with a view*
12 *toward “right-sizing” operations and ensuring*
13 *that all operations are efficient and cost effective.*

14 (B) *PROCUREMENT AND TRANSPARENCY.—*
15 *The logistics established within the United Na-*
16 *tions Department of Field Support should be*
17 *streamlined and strengthened to ensure that all*
18 *peacekeeping missions are resourced appro-*
19 *priately, transparently, and in a timely fashion*
20 *while individual accountability for waste, fraud*
21 *and abuse within United Nations peacekeeping*
22 *missions is uniformly enforced.*

23 (C) *REVIEW OF MANDATES AND CLOSING*
24 *OPERATIONS.—In conjunction with the audit de-*
25 *scribed in subparagraph (A), the United Nations*
26 *Department of Peacekeeping Operations should*

1 *conduct a comprehensive review of all United*
2 *Nations peacekeeping operation mandates, with*
3 *a view toward identifying objectives that are*
4 *practical and achievable, and report its findings*
5 *to the Security Council. In particular, the review*
6 *should consider the following:*

7 *(i) Except in extraordinary cases, in-*
8 *cluding genocide, the United Nations De-*
9 *partment of Peacekeeping Operations should*
10 *not be tasked with activities that are im-*
11 *practical or unachievable without the co-*
12 *operation of the Member State(s) hosting a*
13 *United Nations peacekeeping operation, or*
14 *which amount to de-facto Trusteeship out-*
15 *side of the procedures established for such*
16 *under Chapter XII of the United Nations*
17 *Charter, thereby creating unrealistic expec-*
18 *tations and obfuscating the primary respon-*
19 *sibility of the Member States themselves in*
20 *creating and maintaining conditions for*
21 *peace.*

22 *(ii) Long-standing operations that are*
23 *static and cannot fulfill their mandate*
24 *should be downsized or closed.*

1 (iii) *Where there is legitimate concern*
2 *that the withdrawal from a country of an*
3 *otherwise static United Nations peace-*
4 *keeping operation would result in the re-*
5 *sumption of major conflict, a burden-shar-*
6 *ing arrangement that reduces the level of as-*
7 *essed contributions, similar to that cur-*
8 *rently supporting the United Nations*
9 *Peacekeeping Force in Cyprus, should be ex-*
10 *plored and instituted.*

11 (D) *LEADERSHIP.*—*As peacekeeping oper-*
12 *ations become larger and increasingly complex,*
13 *the Secretariat should adopt a minimum stand-*
14 *ard of qualifications for senior leaders and man-*
15 *agers, with particular emphasis on specific skills*
16 *and experience, and current senior leaders and*
17 *managers who do not meet those standards*
18 *should be removed.*

19 (E) *PRE-DEPLOYMENT TRAINING.*—*Pre-de-*
20 *ployment training on interpretation of the man-*
21 *date of the operation, specifically in the areas of*
22 *use of force, civilian protection and field condi-*
23 *tions, the Code of Conduct, HIV/AIDS, and*
24 *human rights should be mandatory, and all per-*
25 *sonnel, regardless of category or rank, should be*

1 *required to sign an oath that each has received*
2 *and understands such training as a condition of*
3 *participation in the operation.*

4 (F) *GRATIS MILITARY PERSONNEL.—The*
5 *General Assembly should seek to strengthen the*
6 *capacity the United Nations Department of*
7 *Peacekeeping Operations and ease the extraor-*
8 *ordinary burden currently placed upon the limited*
9 *number of headquarters staff by lifting restric-*
10 *tions on the utilization of gratis military per-*
11 *sonnel by the Department so that the Depart-*
12 *ment may accept secondments from Member*
13 *States of military personnel with expertise in*
14 *mission planning, logistics, and other oper-*
15 *ational specialties.*

16 (2) *CONDUCT AND DISCIPLINE.—*

17 (A) *ADOPTION OF A UNIFORM CODE OF CON-*
18 *DUCT.—A single, uniform Code of Conduct that*
19 *has the status of a binding rule and applies*
20 *equally to all personnel serving in United Na-*
21 *tions peacekeeping operations, regardless of cat-*
22 *egory or rank, including military personnel,*
23 *should be adopted and incorporated into legal*
24 *documents governing participation in such an*
25 *operation, including all contracts and Memoran-*

1 *dums of Understanding, promulgated and effec-*
2 *tively enforced.*

3 *(B) UNDERSTANDING THE CODE OF CON-*
4 *DUCT.—All personnel, regardless of category or*
5 *rank, should receive training on the Code of Con-*
6 *duct prior to deployment with a peacekeeping*
7 *operation, in addition to periodic follow-on*
8 *training. In particular—*

9 *(i) all personnel, regardless of category*
10 *or rank, should be provided with a personal*
11 *copy of the Code of Conduct that has been*
12 *translated into the national language of*
13 *such personnel, regardless of whether such*
14 *language is an official language of the*
15 *United Nations;*

16 *(ii) all personnel, regardless of category*
17 *or rank, should sign an oath that each has*
18 *received a copy of the Code of Conduct, that*
19 *each pledges to abide by the Code of Con-*
20 *duct, and that each understands the con-*
21 *sequences of violating the Code of Conduct,*
22 *including immediate termination of partici-*
23 *pation in and permanent exclusion from all*
24 *current and future peacekeeping operations,*
25 *as well as the assumption of personal liabil-*

1 *ity and victims compensation, where appro-*
2 *priate, as a condition of appointment to*
3 *any such operation; and*

4 *(iii) peacekeeping operations should*
5 *continue and enhance educational outreach*
6 *programs to reach local communities where*
7 *peacekeeping personnel of such operations*
8 *are based, including explaining prohibited*
9 *acts on the part of United Nations peace-*
10 *keeping personnel and identifying the indi-*
11 *vidual to whom the local population may*
12 *direct complaints or file allegations of ex-*
13 *ploitation, abuse, or other acts of mis-*
14 *conduct.*

15 *(C) MONITORING MECHANISMS.—Dedicated*
16 *monitoring mechanisms, such as the Conduct*
17 *and Discipline Teams already deployed to sup-*
18 *port United Nations peacekeeping operations in*
19 *Haiti, Sudan, Kosovo, Liberia, Lebanon, Timor*
20 *Leste, Cote d'Ivoire, Western Sahara, and the*
21 *Democratic Republic of Congo, should be present*
22 *in each operation to monitor compliance with*
23 *the Code of Conduct, and should report simulta-*
24 *neously to the Head of Mission, the United Na-*
25 *tions Department of Field Support, the United*

1 *Nations Department of Peacekeeping Operations,*
2 *and the Associate Director of the Office of Inter-*
3 *nal Oversight Services for Peacekeeping Oper-*
4 *ations (established under section 1114(b)(9)).*

5 (D) *INVESTIGATIONS.*—*A permanent, pro-*
6 *fessional, and independent investigative body*
7 *should be established and introduced into United*
8 *Nations peacekeeping operations. In par-*
9 *ticular—*

10 (i) *the investigative body should in-*
11 *clude professionals with experience in inves-*
12 *tigating sex crimes and the illegal exploi-*
13 *tation of resources, as appropriate, as well*
14 *as experts who can provide guidance on*
15 *standards of proof and evidentiary require-*
16 *ments necessary for any subsequent legal ac-*
17 *tion;*

18 (ii) *provisions should be included in*
19 *all Memorandums of Understanding, in-*
20 *cluding a Model Memorandum of Under-*
21 *standing, that obligate Member States that*
22 *contribute troops to a peacekeeping oper-*
23 *ation to designate a military prosecutor*
24 *who will participate in any investigation*
25 *into credible allegations of misconduct*

1 *brought against an individual of such Mem-*
2 *ber State, so that evidence is collected and*
3 *preserved in a manner consistent with the*
4 *military law of such Member State;*

5 *(iii) the investigative body should be*
6 *regionally based to ensure rapid deployment*
7 *and should be equipped with modern*
8 *forensics equipment for the purpose of posi-*
9 *tively identifying perpetrators and, where*
10 *necessary, for determining paternity; and*

11 *(iv) the investigative body should re-*
12 *port directly to the Associate Director of the*
13 *Office of Internal Oversight Services for*
14 *Peacekeeping Operations, while providing*
15 *copies of any reports to the Department of*
16 *Field Support, the Department of Peace-*
17 *keeping Operations, the Head of Mission,*
18 *and the Member State concerned.*

19 *(E) FOLLOW-UP.—The Conduct and Dis-*
20 *cipline Unit in the headquarters of the United*
21 *Nations Department of Field Support should be*
22 *appropriately staffed, resourced, and tasked*
23 *with—*

24 *(i) promulgating measures to prevent*
25 *misconduct;*

1 (ii) receiving reports by field personnel
2 and coordinating the Department's response
3 to allegations of misconduct;

4 (iii) gathering follow-up information
5 on completed investigations, particularly by
6 focusing on disciplinary actions against the
7 individual concerned taken by the United
8 Nations or by the Member State that is con-
9 tributing troops to which such individual
10 belongs, and sharing such information with
11 the Security Council, the Department of
12 Peacekeeping Operations, the Head of Mis-
13 sion, and the community hosting the peace-
14 keeping operation; and

15 (iv) contributing pertinent data on
16 conduct and discipline to the database re-
17 quired pursuant to subparagraph (H).

18 (F) *FINANCIAL LIABILITY AND VICTIMS AS-*
19 *SISTANCE.*—Although peacekeeping operations
20 should provide immediate medical assistance to
21 victims of sexual abuse or exploitation, the re-
22 sponsibility for providing longer-term treatment,
23 care, or restitution lies solely with the individual
24 found guilty of the misconduct. In particular:

1 (i) *The United Nations should not as-*
2 *sume responsibility for providing long-term*
3 *treatment or compensation under the Sex-*
4 *ual Exploitation and Abuse Victim Assist-*
5 *ance Mechanism by utilizing assessed con-*
6 *tributions to United Nations peacekeeping*
7 *operations, thereby shielding individuals*
8 *from personal liability and reinforcing an*
9 *atmosphere of impunity.*

10 (ii) *If an individual responsible for*
11 *misconduct has been repatriated, reassigned,*
12 *redeployed, or is otherwise unable to provide*
13 *assistance, responsibility for providing as-*
14 *sistance to a victim should be assigned to*
15 *the Member State that contributed the con-*
16 *tingent to which such individual belonged*
17 *or to the manager concerned.*

18 (iii) *In the case of misconduct by a*
19 *member of a military contingent, appro-*
20 *priate funds shall be withheld from the*
21 *troop contributing country concerned.*

22 (iv) *In the case of misconduct by a ci-*
23 *vilian employee or contractor of the United*
24 *Nations, appropriate wages shall be gar-*
25 *nished from such individual or fines shall*

1 *be imposed against such individual, con-*
2 *sistent with existing United Nations Staff*
3 *Rules, and retirement funds shall not be*
4 *shielded from liability.*

5 (G) *MANAGERS AND COMMANDERS.*—*The*
6 *manner in which managers and commanders*
7 *handle cases of misconduct by those serving*
8 *under them should be included in their indi-*
9 *vidual performance evaluations, so that man-*
10 *agers and commanders who take decisive action*
11 *to deter and address misconduct are rewarded,*
12 *while those who create a permissive environment*
13 *or impede investigations are penalized or re-*
14 *lieved of duty, as appropriate.*

15 (H) *DATABASE.*—*A centralized database,*
16 *including personnel photos, fingerprints, and bi-*
17 *ometric data, should be created and maintained*
18 *within the United Nations Department of Peace-*
19 *keeping Operations, the Department of Field*
20 *Support, and other relevant United Nations bod-*
21 *ies without further delay to track cases of mis-*
22 *conduct, including the outcome of investigations*
23 *and subsequent prosecutions, to ensure that per-*
24 *sonnel who have engaged in misconduct or other*
25 *criminal activities, regardless of category or*

1 *rank, are permanently barred from participation*
2 *in future peacekeeping operations.*

3 (I) *COOPERATION OF MEMBER STATES.—If*
4 *a Member State routinely refuses to cooperate*
5 *with the directives contained herein or acts to*
6 *shield its nationals from personal liability, that*
7 *Member State should be barred from contributing*
8 *troops or personnel to future peacekeeping oper-*
9 *ations.*

10 (J) *WELFARE.—Peacekeeping operations*
11 *should continue to seek to maintain a minimum*
12 *standard of welfare for mission personnel to*
13 *ameliorate conditions of service, while adjust-*
14 *ments are made to the discretionary welfare pay-*
15 *ments currently provided to Member States that*
16 *contribute troops to offset the cost of operation-*
17 *provided recreational facilities, as necessary and*
18 *appropriate.*

19 **SEC. 1003. CERTIFICATION.**

20 (a) *NEW OR EXPANDED PEACEKEEPING OPERATIONS*
21 *CONTINGENT UPON PRESIDENTIAL CERTIFICATION OF*
22 *PEACEKEEPING OPERATIONS REFORMS.—*

23 (1) *NO NEW OR EXPANDED PEACEKEEPING OP-*
24 *ERATIONS.—*

1 (A) *CERTIFICATION.*—*Except as provided in*
2 *subparagraph (B), until the Secretary of State*
3 *certifies that the requirements described in para-*
4 *graph (2) have been satisfied, the President shall*
5 *direct the United States Permanent Representa-*
6 *tive to the United Nations to use the voice, vote,*
7 *and influence of the United States at the United*
8 *Nations to oppose the creation of new, or expan-*
9 *sion of existing, United Nations peacekeeping op-*
10 *erations.*

11 (B) *EXCEPTION AND NOTIFICATION.*—*The*
12 *requirements described under paragraph (2) may*
13 *be waived with respect to a particular peace-*
14 *keeping operation if the President determines*
15 *that failure to deploy new or additional peace-*
16 *keepers in such situation will significantly con-*
17 *tribute to the widespread loss of human life,*
18 *genocide, or the endangerment of a vital national*
19 *security interest of the United States. If the*
20 *President makes such a determination, the Presi-*
21 *dent shall, not later than 15 days before the exer-*
22 *cise of such waiver, notify the appropriate con-*
23 *gressional committees of such determination and*
24 *resulting waiver.*

1 (2) *CERTIFICATION OF PEACEKEEPING OPER-*
2 *ATIONS REFORMS.*—*The certification referred to in*
3 *paragraph (1) is a certification made by the Sec-*
4 *retary to the appropriate congressional committees*
5 *that the following reforms, or an equivalent set of re-*
6 *forms, related to peacekeeping operations have been*
7 *adopted by the United Nations Department of Peace-*
8 *keeping Operations or the General Assembly, as ap-*
9 *propriate:*

10 (A) *A single, uniform Code of Conduct that*
11 *has the status of a binding rule and applies*
12 *equally to all personnel serving in United Na-*
13 *tions peacekeeping operations, regardless of cat-*
14 *egory or rank, has been adopted by the General*
15 *Assembly and duly incorporated into all con-*
16 *tracts and a Model Memorandum of Under-*
17 *standing, and mechanisms have been established*
18 *for training such personnel concerning the re-*
19 *quirements of the Code and enforcement of the*
20 *Code.*

21 (B) *All personnel, regardless of category or*
22 *rank, serving in a peacekeeping operation have*
23 *been trained concerning the requirements of the*
24 *Code of Conduct and each has been given a per-*

1 *sonal copy of the Code, translated into the na-*
2 *tional language of such personnel.*

3 *(C) All personnel, regardless of category or*
4 *rank, are required to sign an oath that each has*
5 *received a copy of the Code of Conduct, that each*
6 *pledges to abide by the Code, and that each un-*
7 *derstands the consequences of violating the Code,*
8 *including immediate termination of participa-*
9 *tion in and permanent exclusion from all cur-*
10 *rent and future peacekeeping operations, as well*
11 *as the assumption of personal liability for vic-*
12 *tims compensation as a condition of the appoint-*
13 *ment to such operation.*

14 *(D) All peacekeeping operations have de-*
15 *signed and implemented educational outreach*
16 *programs to reach local communities where*
17 *peacekeeping personnel of such operations are*
18 *based to explain prohibited acts on the part of*
19 *United Nations peacekeeping personnel and to*
20 *identify the individual to whom the local popu-*
21 *lation may direct complaints or file allegations*
22 *of exploitation, abuse, or other acts of mis-*
23 *conduct.*

24 *(E) The creation of a centralized database,*
25 *including personnel photos, fingerprints, and bi-*

1 *ometric data, has been completed and is being*
2 *maintained in the United Nations Department*
3 *of Peacekeeping Operations that tracks cases of*
4 *misconduct, including the outcomes of investiga-*
5 *tions and subsequent prosecutions, to ensure that*
6 *personnel, regardless of category or rank, who*
7 *have engaged in misconduct or other criminal*
8 *activities are permanently barred from partici-*
9 *pation in future peacekeeping operations.*

10 *(F) A Model Memorandum of Under-*
11 *standing between the United Nations and each*
12 *Member State that contributes troops to a peace-*
13 *keeping operation has been adopted by the*
14 *United Nations Department of Peacekeeping Op-*
15 *erations that specifically obligates each such*
16 *Member State to—*

17 *(i) uphold the uniform Code of Con-*
18 *duct which shall apply equally to all per-*
19 *sonnel serving in United Nations peace-*
20 *keeping operations, regardless of category or*
21 *rank;*

22 *(ii) designate a competent legal author-*
23 *ity, preferably a prosecutor with expertise*
24 *in the area of sexual exploitation and abuse*
25 *where appropriate, to participate in any*

1 *investigation into an allegation of mis-*
2 *conduct brought against an individual of*
3 *such Member State;*

4 *(iii) refer to its competent national or*
5 *military authority for possible prosecution,*
6 *if warranted, any investigation of a viola-*
7 *tion of the Code of Conduct or other crimi-*
8 *nal activity by an individual of such Mem-*
9 *ber State;*

10 *(iv) report to the Department of Field*
11 *Support and the Department of Peace-*
12 *keeping Operations on the outcome of any*
13 *such investigation;*

14 *(v) undertake to conduct on-site court*
15 *martial proceedings, where practical and*
16 *appropriate, relating to allegations of mis-*
17 *conduct alleged against an individual of*
18 *such Member State; and*

19 *(vi) assume responsibility for the pro-*
20 *vision of appropriate assistance to a victim*
21 *of misconduct committed by an individual*
22 *of such Member State.*

23 *(G) A professional and independent inves-*
24 *tigative and audit function has been established*
25 *within the United Nations Department of Peace-*

1 *keeping Operations and the Office of Internal*
2 *Oversight Services to monitor United Nations*
3 *peacekeeping operations.*

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A BILL

To promote transparency, accountability, and reform within the United Nations system, and for other purposes.

DECEMBER 8, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed